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JOURNAL

OF THE

SENATE OF WISCONSIN.

ANNUAL SESSION, A, D., 1860.

BY AUTHORITY.

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JOURNAL OF THE SENATE.

TWELFTH ANNUAL SESSION.

WEDNESDAY, JANUAURY 11th, 1860.

The TWELFTH ANNUAL SESSION of the Legislature of the State of Wisconsin, began at Madison, the capital of said State, the second Wednesday, being the 11th day of January, A. D. 1860.

Pursuant to law, at 12 o'clock, M. of said day, the Senate was called to order by the Lieutenant Governor, and the roll of Senators holding over from 1859, was then called by Hiram Bowen, Chief Clerk at the last session, and the following Senators from their respective districts, appeared and took their seats:

From the 1st Senatorial District—Robert Hotchkiss,
5th do do Cicero Comstock,
7th do do Nicholas D. Fratt,
9th do do H. W. Curtis,
11th do do William R. Taylor,
13th do do P. B. Simpson,
15th do do Charles G. Rodolf,
17th do do Z. P. Burdick,
19th do do Samuel H. Thurber,
21st do do G. W. Washburn,
23d do do E. D. Masters,
25th do do M. M. Davis,
27th do do Luther Hanchett,
29th do do M. W. Seeley.

Senator Simpson from the 13th District was absent.

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The names of the newly elected Senators, as certified by the Secretary of State, was then called by the Chief Clerk, and the following Senators, from the districts specified, appeared in their places and answered to their names :

From the 2d	Senatorial	District—	Edward Decker,
3d	do	do	Frederick Hilgan (vacancy),
4th	do	do	Densmore W. Maxon,
6th	do	do	M. J. Eagan,
8th	do	do	George Bennett,
10th	do	do	Dennison Worthington,
12th	do	do	O. F. Bartlett,
14th	do	do	Charles R. Gill,
16th	do	do	Noah H. Virgin,
18th	do	do	Alden I. Bennett,
20th	de	do	Elihu L. Phillips,
22d	do	do	Benjamin Ferguson,
24th	do	do	John W. Stewart,
26th	do	do	John B. Sweat,
28th	do	do	Charles B. Cox,
30th	do	do	Buel E. Hutchinson.

Senator Decker from the 2d District was absent.

And the said newly elected Senators, being all present, came forward and took and subscribed the oath of office, which was administered to them by the Lieutenant Governor.

On motion of Senator A. I. Bennett, the Senate then proceeded to the election of Chief Clerk.

The roll being called,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—17 voted for John H. Warren.

Senators Furugson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat, Taylor, Thurber—10 voted for James Armstrong.

John H. Warren was declared elected.

On motion of Senator Hanchett, the Senate proceeded to the election of Sergeant-at-Arms.

The roll being called

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Hanchett, Hutchinson, Masters, Phillips, Sceley, Stewart, Virgin, Washburn, Worthington—18 voted for Asa Kinney.

Senators Maxon and Rodolf—2 voted for Gustavus Strickenwald.

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Senators Sweat, Taylor and Thurbur—3 voted for Thomas Herron.

Asa Kinney was declared elected.

On motion of Senator Worthington,

The Rules of the last session were adopted until further ordered.

Senator A. I. Bennett, on leave, introduced the following resolution:

Resolved, That the Chief Clerk be directed to inform the Assembly that the Senate is now organized and ready to proceed to business;

Which was adopted.

On motion of Senator Sweat,

The Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, JANUARY 12th, 10 o'clock, A. M.

Senate met pursuant to adjournment,

Lieut. Governor in the chair.

Roll of Senators called, and the absentees were

Senators Decker and Taylor.

Journal of yesterday, read and approved.

Senator Decker, from the 2d Senatorial district appeared in his seat, came forward, took and subscribed the oath of office.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Curtis:

Res. No. 2, S.,

Resolved, That the Sergeant-at-Arms be, and he is hereby directed to distribute to the President of the Senate, the Chief Clerk and Sergeant-at-Arms of the Senate, and to each Senator, three dollars in three cent postage stamps and two dollars in one cent postage stamps;

Which was adopted.

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By Sen. Virgin:

Res. No. 3, S.,

Resolved, That the Superintendent of Public Property be directed to furnish each member of the Senate one copy of the laws and journals of the last session of the Wisconsin Legisaure, and one copy of the Revised Statutes;

Which was adopted.

Sen. Rodolf moved to reconsider the vote by which Res. No. 2, S., was adopted,

Which was lost.

By Sen. Rodolf:

J. Res. N. 1, S.,

Resolved, by the Senate, the Assembly concurring, That the joint rules of the last Senate and Assembly be adopted as the joint rules of the two houses, until otherwise ordered;

Which was adopted.

By Sen. Washburn:

Res. No. 4, S.,

Resolved, That the Standing Committees of the Senate for the present session be constituted as follows:

On the Judiciary—Senators Hanchett, Simpson, Seeley, Gill and Washburn.

On Finance—Senators A. I. Bennett, Rodolf and Stewart.

On Education, School and University Lands—Senators Hutchinson, Ferguson and Davis.

On Incorporations—Senators Seeley, Thurbur and Hanchett.

On Claims—Senators Burdick, Maxon and Virgin.

On Internal Improvements—Senators Worthington, Hilgen and G. Bennett.

On Roads, Bridges and Ferries—Senators Simpson, Rodolf, and Washburn.

On Town and County Organization—Senators Virgin, Decker and Curtis.

On Militia—Senators Egan, Bartlett and Phillips.

On Privileges and Elections—Senators Maxon, Masters and Seeley.

On Agriculture—Senators Masters, Taylor and Burdick.

On Legislative Expenditures—Senators Washburn, Sweat and Virgin.

On State Affairs—Senators Hutchinson, Ferguson and Stewart.

On Banks and Banking—Senators Worthington, Fratt and Comstock.

On Engrossed Bills—Senators Comstock, Hotchkiss and Phillips.

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On Contingent Expenses—Senators Cox, Taylor and Masters.
On Public Lands—Senators Stewart, Decker and Cox.
On Enrolled Bills—Senators G. Bennett, Sweat and Bartlett.
On State Prison—Senators Bartlett, Hilgen and Seeley.
On Rail Roads—Senators Phillips, Comstock, Gill, Davis and Simpson.
On Benevolent Institutions—Senators A. I. Bennett, Fratt and Hutchinson.
On Printing—Senators Curtis and Hotchkiss.
On the Joint Committee of Investigation—Senator Davis.

ASSEMBLY MESSAGE TAKEN UP.

MR. PRESIDENT:

I am directed to inform you that the Assembly is organized, and ready to proceed to business.

I am also directed to inform you that the Assembly has adopted

J. Res. No. 1, A.

Providing for a Joint Committee to wait upon the Governor;

And asks the concurrence of the Senate in the same;

And that the Speaker has appointed Messrs. Blackman, Elmore and Barnum as the Committee on the part of the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has adopted J. Res. No. 2, A., as follows:

Resolved, by the Assembly the Senate concurring, That both bodies meet in Joint Convention in the Assembly Chamber, at 11 o'clock, A. M., for the purpose of listening to the Governor's Message.

JOINT RESOLUTIONS CONSIDERED.

J. Res. No. 1, A.

Providing for a Joint Committee to wait on the Governor;

Which was adopted.

J. Res. No. 2, A.

Providing for a Joint Convention of the Senate and Assembly at 11 o'clock, to hear the Governor's Message;

Which was adopted,

And the President appointed Senators Rodolf and A. I. Bennett said Committee on the part of the Senate.

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BILLS INTRODUCED,

Read first and second time, and referred:

By Senator Sweat:

No. 1, S., a bill for an act to legalize the official acts of Edward O'Hare, as justice of the peace in the county of Dane.

To general file.

By Senator Sweat:

No. 2, S., a bill for an act to legalize the official acts of Samuel Lattimore, as justice of the Peace in the county of Dane;

To general file.

By Senator Sweat:

No. 3, S., a bill for an act to legalize the official acts of August B. Erbe, as justice of the peace in the county of Dane:

To general file.

By Senator Sweat:

No. 4, S., a bill for an act to legalize the official acts of Peter Haroldson, as justice of the peace in the county of Dane;

To general file.

By Senator Sweat:

No. 5, S., a bill for an act to legalize the official acts of Isaac C. Steele, as justice of the peace in the county of Dane:

To general file.

By Senator Hotchkiss:

No. 6, S., a bill for an act in relation to the assessment, levy and collection of taxes in the county of Sheboygan, for the year 1859;

Read first and second time;

On motion of Senator Hotchkiss,

The rules were suspended, and the bill read the third time and passed, by the following vote:

Ayes 29, Nays none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—29.

Nays none.

ACCOUNTS PRESENTED.

By Senator Davis:

No. 1, S., account of D. A. Reed;

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No. 2, S., account of the Wisconsin Telegraph Company;

Which were referred to the committee on claims.

Senator Rodolf, Chairman of Committee on part of Senate to wait on His Excellency the Governor, reported that the Governor would deliver his Message at 11 o'clock.

On motion of Senator Rodolf,

The Senate took a recess until five minutes before eleven o'clock.

At five minutes before eleven, the President called the Senate to order.

MESSAGE FROM THE ASSEMBLY

Was then received, announcing that the Assembly were in session, and ready to receive the Honorable Senate in Joint Convention, to listen to the Governor's Message.

On motion of Senator A. I. Bennett,

The Senate repaired to the Assembly Hall.

PROCEEDINGS IN JOINT CONVENTION.

Hon. B. G. Noble, Lieutenant Governor of the State, called the Joint Convention to order.

Mr. Holton moved that a committee of three be appointed to wait upon the Governor and inform that the two Houses are in Joint Convention, and ready to receive any Message he may have to deliver;

Which motion prevailed.

The President appointed as such committee, Messrs. Holton and Palmer and Senator Bennett.

The Governor and State officers were then announced by the Sergeant-at-Arms, and duly received by the Joint Convention.

GOVERNOR'S MESSAGE.

The Governor then read his Annual Message:

Gentlemen of the Senate and Assembly:

The difficulties and embarrassments under which the State has labored for some years have been outgrown.

The Report of the State Treasurer for the fiscal year ending on the 30th day of September, 1859, shows a balance in the State Treasury at that time belonging to the general fund of $11,205 11.

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Up to that time, after the receipt into the Treasury of the preceding State Tax, all demands upon the General Fund had been promptly paid on presentation. The State owes no floating debt. Since the first day of October all legal demands against the State have also been paid on presentation, and on the first day of January, 1860, there remained in the Treasury belonging to the General Fund the sum of $16,910 47 to meet any expenses that may arise.

There is a large demand made against the State by James Ross, State Printer, which has been audited by the Secretary of State, the legality and correctness of which is denied by the State Treasurer, and which, therefore, he refuses to pay.

The amount audited by the Secretary of State and paid to the State Printer during the past year, including $145 paid in December, 1858, is $38,341 97, of which all but $2,205 was from the General Fund. The amount audited and unpaid for reasons above stated is $38,762 16, of which $16,884 06 is claimed from the General Fund.

It is believed that the State Printer claims a large sum, for services performed by him as such printer, beyond what he is entitled to by his contract. The contract and the law should be closely scrutinized, and while there is a legal contract existing between Ross and the State, both parties should be held strictly to it.

The aggregate receipts into the General Fund during the calendar year ending December 31st, 1859, were	$534,051 28
Aggregate disbursements for same time,	490,522 96

Of the amount expended, the sum of $176,875 65 was for Charitable Institutions, Capitol Extension, and State Prison.

And the sum of $124,768 85 for various purposes, under appropriations, certified accounts, &c., belonging previous to January 1, 1859.

Deducting this sum, to-wit: $301,644 50, from the aggregate expenditures of the year as above, we find the expenditures proper of carrying on the State Government, to have been $188,836 46.

The Secretary of State estimates in detail the expenditures to be defrayed from the General Fund of the State Treasury for the current year, showing each item thereof, and distinguishing between those which are provided for by permanent appropriations, and such as require appropriations at the present session of the Legislature: and showing also the resources which are applicable to defray such expenditures.

Assuming the estimates of expenditures and resources of the State as submitted by the Secretary to be correct, the indebtedness of the State at the end of the present fiscal year will

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be *one* thousand one hundred dollars and fifty cents. But the Secretary estimates as part of the expenditures, an appropriation of $45,000 to the State Prison to be made at the present session, when the amount required does not exceed $25,000. He also estimates the printing for this Legislature in English and Foreign languages at $45,000, while the amount ought not to exceed $25,000. If the taxes for A. D. 1859, are promptly paid into the State Treasury, and reasonable economy is exercised by the Legislature, all liabilities against the Treasury can be promptly met, and it is believed a surplus of thousands of dollars will remain in the Treasury at the end of the fiscal year. There being no old obligations hanging over the State for which the Treasury is now liable, it is believed that a State tax of the same amount as that authorized by the last Legislature, will be ample to meet all the wants of the State for the year ending September 30, 1861.

On the 30th of September last there was due from Counties on State tax of last year $66,494 14, which has since been paid up.

It is a subject of congratulation. that the finances of the State are in so sound a condition. Unlike most new States, Wisconsin has paid for her public improvements, such as the erection of prisons and charitable institutions, without creating a permanent State debt for such purposes. The expenses of our State government, and the amount of our State taxes levied and collected last year, as well as the amount required for the next year, are less than those of any other northern State out of New England, with a single exception.

It is the true policy of the State in the future, as it would have been in the past, "to pay as it goes." Liberal appropriations for all useful and necessary purposes should be made; while prudence in the demand, and economy in the expenditures of the moneys appropriated, will enable the government of the State to move smoothly on with a degree of independence entirely unknown to other new States.

SCHOOL FUND.

The School Fund on the 1st of October last, amounted to	$3,001,297 80
Producing in interest, at 7 per cent., ...	210,090 81
Deducting interest on 25 per cent. of swamp land appropriated to Normal Schools, ...	17,302 47
And adding the amount of 25 per cent. of Swamp Land Fund Income and the School Fund Income on hand, in all amounting to	52,484 07
Gives the amount of School Fund Income to be appropriated in March next	245,272 41

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UNIVERSITY FUND.

The University Fund on the 1st day of October last, amounted to	$300,725 22
On which the annual interest of 7 per cent. is	21,050 76
Add balance in Treasury,	501 04
Gives income for the University for the year,	21,551 80

SWAMP LAND FUND.

The Swamp Land Fund on the 1st October last, amounted to...	$988,712 88
The interest on which, at 6 per cent., is	69,209 90

This amount is by law divided as follows:

To School Fund, 25 per cent.,	$17,302 48
Normal School Fund, 25 per cent.,	17,302 47
Drainage Fund, 50 per cent.,	34,604 95

The last sum is distributed annually to the several counties in the State, in proportion to the amount received from the sales of lands in such counties. Including a balance in the Treasury to the credit of this fund, the amount to be appropriated the present year will be about $58,000.

Including the balance to the credit of the Normal School Fund in the Treasury, the amount to be appropriated this year to the Academies and Colleges of the State will be about $26,000.

VALUATION AND ASSESSMENT.

From the report of the State Board of Equalization, consisting of the Senate, meeting for the first time under the new assessment law, in September last, it appears that the number of acres of land assessed in the State last year was 17,411,418. The average valuation, as equalized was $6 78 per acre. The aggregate valuation of lands, as equalized, was $118,178,829. Aggregate valuation of lots, as equalized, $36,833,511. Aggregate valuation of personal property, $13,607,893. Total aggregate valuation of property, as equalized, $168,620,233.

A comparison with the same items of the assessments of 1858 is decidedly favorable to the good effects of the new law, showing an increased return and valuation of property in 1859 as compared with 1858, as assessed, of $82,619,680, and as equalized, of $98,702,213.

The true rule in the levy and collection of taxes is to make the property of the State pay the taxes of the State. When all property, real and personal, is assessed at a fair cash value, the burthens of government expenses are equally and fairly distributed. The property of every man is protected by law, and each should be compelled to pay to meet the expenses of

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the State according to what he has. It is difficult to conceive why any discrimination should be made in the assessment of personal and real estate. An offset of indebtedness against assessed valuation might as well be made upon an encumbered farm, as debts deducted from the valuation of personal estate. This question of assessment and the levy and collection of taxes, commends itself to your careful consideration. Independent of the defect in the law, growing out of the discrimination above suggested, our present law is defective in its details and machinery. It requires simplifying and perfecting.

The total taxation levied last year for State purposes, including the amount to meet State indebtedness, and for township libraries, was one and four-tenths mills per cent. on the dollar of valuation, producing in the aggregate the sum of $234,310 11, of revenue. This is $200,000 less than the previous year, and less than any year for the past six years.

STATISTICS.

The returns required by law to be made to the Secretary of State of agricultural, manufacturing and mineral statistics, are very imperfect, and show an inexcusable neglect in the officers charged with the duty of making such returns. So far as they have been made, they show the valuation of the products of industry to be $33,986,771; the counties of Grant, Kewaunee, La Crosse, Manitowoc, Milwaukee, Portage and Wood making no returns. These counties are among the most important in the State. The same neglect is exhibited in other particulars.

The number of Deaf and Dumb reported is	122
The number of Blind reported is	59
The number of Insane	97
And the number of Idiotic	63

Twenty-nine counties make no report. The law which requires statistical information to be furnished, is entirely inadequate, and ought to be revised. Severe penalties ought to be imposed upon officers who either carelessly or wilfully fail in the performance of such duties. It is a matter of great public concern that, every year, information be furnished of the evidences of increasing wealth and prosperity of the State. It is safe to conclude, that scarcely more than half the mineral and agricultural products and manufactured articles and fabrics of the State are shown by the reports made. Of the vast lumber and timber trade of the North and North-west, we have but a very imperfect knowledge. The Legislature ought to be furnished with all the facts showing the wealth of the

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State, and the energy and enterprise of the people. It would be useful to our citizens at home, and do credit to the State abroad. It would invite capital hither for permanent investment, from which far greater advantages would be reaped than from foreign capital loaned at twelve per cent.

COMMON SCHOOLS.

The number of persons of school age—that is, between four and twenty years of age—as returned for 1859, is 278,871.

The average length of time schools have to be taught is five and one-half months. Total number of School Districts in the State, 4,331.

Valuation of School House property,.....	$1,185,181 00
The average wages paid to male Teachers per month has been..	22 93
The average wages to Female Teachers,.....	14 29
The amount paid for Teachers' wages during the last year is..	536,860 00

That sum is an increase of over $200,000 above the aggregate amount paid for the same purpose the previous year.

According to the figures of the Secretary of State, as I have before stated, the amount to be apportioned for the support of schools, next March would be $215,272, if the interest due the School Fund should be promptly paid; but the experience of the past year showed a deficit of about $70,000, owing to the failure to pay interest, and the Superintendent of Public Instruction estimates for a considerable, but not so large, deficit the present year.

The School Fund is less by about $60,000, than last year, owing to the failure to pay for, and the consequent forfeiture of lands heretofore sold.

The policy that has been so long pursued of selling the school lands, either in large or small quantities, with so small a portion of the purchase money paid down at the time of the sale, has been most mischievous. The evils of that system now begin to be realized. The entry of large quantities of the best agricultural lands belonging to that fund by speculators, to be put into the market at speculating prices, has retarded the settlement and cultivation of the lands, and financial reverses have returned them, by thousands of acres, upon the fund. Lands, valuable chiefly for timber, have been held until their value has been destroyed by exhaustion of the forests growing upon them, and then forfeited. The school lands still in the hands of the State unsold, are every year deteriorating in value for want of adequate legal means to prevent trespasses. The Commissioners should be armed with the necessary legal processes by the Legislature, and ample means furnished them to pay the expenses incident to prosecutions and protecting agencies.

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The Board of Regents of Normal Schools, composed of educated and discreet men, has been an excellent auxiliary to our school system. The Teachers' Institutes, under the direction and supervision of Chancellor Barnard, an accomplished scholar and teacher, are giving new life and vigor to education in the State. They are making teaching a pleasant and a profitable duty, rather than a task, and the children in the schools are reaping rich harvests of knowledge and thought from the intellectual soil well prepared, and the seed well sown.

BANKS AND BANKING.

On the first Monday of January, 1859, the whole number of Banking Associations, doing business under the laws of the State, was ninety-nine, with an aggregate capital of $8,045,000. During the pear 1859, fifteen new banks have been organized, with an aggregate capital of $575,000.

Five Banks have increased their capital,.....		$ 260,000
Total capital, January 1. 1859, and increase,.		8,880,000
Ten Banks have reduced their capital,.....	$570,000	
Six have relinquished business with an aggregate capital of.....	550,000	
		1,120,000
The whole number of banks in operation on the first Monday in 1860, was one hundred eight, with an aggregate capital of.....		7,760,000
The decrease of banking capital for the year is,.....		285,000
The whole amount of countersigned notes issued and delivered to the banks, and outstanding on the first day of January, 1860, is $4,609,432, to wit: Banks doing business.....	4,476,231	
Banks winding up,.....	133,201	
		4,609,432

These notes are secured by the deposit of specie and public stocks, as follows:

California State Stocks,	7	per cent	.....	$78,000
Georgia "	6	"	.....	31,000
" "	7	"	.....	20,000
Illinois "	6	"	.....	555,020
Iowa "	7	"	.....	10 000
Indiana "	5	"	.....	60,000
Kentucky "	6	"	.....	11,000
Louisiana "	5	"	.....	10,000
Louisiana "	6	"	.....	148,500
Missouri "	6	"	.....	2,049,000
Michigan "	6	"	.....	188.000
North Carolina "	6	"	.....	403,500
Ohio "	6	"	.....	228,000
Tennessee "	6	"	.....	750,000
Virginia "	5	"	.....	57,600
" "	6	"	.....	183,000
Wisconsin "	6	"	.....	100,000
Minnesota "	8	"	.....	20,000
Racine & Mississippi Railroad Company Bonds 8 per cent.....				27,000
Milwaukee & Mississippi Railroad Company Bonds 8 per cent.....				50,000
Total.....				$4,975,120

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Specie of organized Banks....	$26,244 50	
Specie of Banks winding up.....	132,201 00	
		$158,445 50
Total securities on deposit.....		5,138,565 50
The amount of the Bank Tax during the past year was.....		118,806 85

The present Comptroller suggests that it is evident the original Banking Law of this State intended to provide only for the establishment of business Banks, and not of Banks of circulation merely, and that Banks of the latter class were always evasions of the law. To make this clearer, the act of May 15, 1858, was passed, directing the Bank Comptroller to "refuse to issue any *circulating* notes to any Banking Association, unless he shall have satisfactory evidence that such banking association had not been, or is not to be organized for the purpose of issuing circulating notes merely, but was, or is to be, organized for the purpose of doing a banking business by discounting bills, notes, and other evidences of debt; by receiving deposits; buying and selling gold and silver bullion, foreign and inland bills of exchange; by loaning money on real and personal security, and by exercising such incidental powers as may be necessary to carry on such business, at the place where such bank purports to he located."

After the passage of that act it was the practice of his predecessor to require from such new Banking Associations as were organized, the affidavit of some officer or stockholder that the association was formed for the purposes indicated by this law, and such affidavits were taken as "*satisfactory evidence.*" It is plain, that notwithstanding these precautions, some Banking Associations are kept up for the purpose of circulation merely, and without doing or intending to do a banking business, and without keeping an office, as required, for the redemption of their circulating notes.

The evidences of these facts existing in the Ban Department are as follows:

First, the semi-annual Reports of a number of banks show conclusively that they are engaged in no banking business whatever, except the issuing of circulating notes. Second, in several cases, protests of circulating notes have been filed in that office, showing the presentation of such notes at the pretended place of business of the bank purporting to issue them, and the non-existence, there, of any office for the redemption of the notes.

The Comptroller suggests that he will unhesitatingly refuse to issue further circulating notes to banks of this class, when they are known; but action in regard to such as have escaped, or may hereafter escape, the vigilance of his office, seems to pertain to some other Department of the Government.

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A case is referred to where the "period of the termination of the association" has passed and no new certificate of association filed. The Bank is in operation without authority of law, and there is no power in that department to efficiently interfere. In all such cases the Comptroller should be clothed with power to close up the business of the association, and the attention of the Legislature is invited to the subject. I have no doubt that the Legislature has power to amend the banking law of this State without submitting the amendments to a vote of the people, in all cases where the amendments do not change the principle of the banking law, but merely aid in carrying out its true intent and meaning, and tend to perfect the system and protect the public.

CHARITABLE INSTITUTIONS—THE STATE HOSPITAL FOR THE INSANE.

The buildings of this institution will not be prepared for the reception of patients before next spring.

The reports of the Building Commissioners and of the Trustees, explain their present condition and future necessities.

Institutions of the kind are everywhere more expensive than those of any other public character. Whether it was wise to let the contract in the first instance to erect so much of the proposed buildings at so early a day, may be a question of doubt. But if there was any error in it, it is now too late to avoid it. All that has been done would at some time, have been necessary. The money expended is not lost. The buildings, when completed according to the present plan, will be less expensive than those of almost every other State. The want of facilities for safe keeping and successfully treating insane persons in this State is keenly felt. The institution should be prepared for the reception of patients immediately.

The Trustees estimate the amount of money required for the use of the Hospital for the year 1860, at $28,096 and for the extension of buildings $20,000.

A careful examination of the reports and of the buildings themselves by committees of the Legislature, will show the necessities of the institution, pecuniarily, in its own behalf, and as a public charity, in behalf of the unfortunate class it is designed to relieve.

STATE REFORM SCHOOL.

At the last session of the Legislature, $10,000 dollars were appropriated to enable the Commissioners to prosecute the work upon the buildings of this institution. There was a

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clause in the law requiring from the Secretary of State a certificate that the title of lands belonging to the State upon which the buildings were located was perfect, before the Treasurer was authorized to pay the appropriation. The title to the lands upon which the buildings were erected was certified to be perfect. There were about ten acres of the lands connected with the institution, which were incumbered in such a manner that they could not be cleared, so that the money could not be paid, if a technical construction was given to the law. Nearly sixty acres of the land are entirely unincumbered. The condition of the buildings was such that if the work had been stopped, the State must have suffered great loss. It was advised as a matter of public necessity, that such a construction be given to the law, as that the money might be drawn and expended, upon such a certificate of title as the Secretary was able to give. This course was very properly pursued, and the money drawn and expended in other respects as the law required. The appropriation last year ought to have been $20,000.

The amount required this year, according to the estimates of the Commissioners, is $15,029 84. The building is not yet completed. Most advantageous contracts have been made to complete it, with the advice and approval of the Executive, as the law provided. The whole amount required to complete the buildings ready for inmates, will come within the first estimates of their expense. The plan is the most perfect one for the purposes intended of any institution of the kind in the country; and the money appropriated has been more directly and economically expended, than has been usual in public improvements of the kind. The reports of the Commissioners of the past two years, and of the present year, give full information upon the subject.

DEAF AND DUMB ASYLUM.

The buildings of this institution, so far as any will be required for some years, are nearly completed. The main building, with the exception of the front porch, has been finished during the past year, under a very favorable contract, and the work has been well done. The appropriation of last year was short of what was asked for by the Trustees, and less than was necessary for the requirements of the institution; a debt has, therefore, been contracted of $6,750, which is to be provided for by this Legislature. I am satisfied from my examination, that the public money has been well and economically expended. If the appropriations asked for this year, are made,

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there will be no necessity, for several years to come, of any considerable expenditure there beyond the ordinary expenses of supporting the institution. To avoid a great risk by fire, a slate roof ought to cover the building. I do not well see what item in the appropriations asked for can profitably be dispensed with. The sums required, are as follows:

For support of schools and repairs,	$14,700 00
For paying indebtedness on main building,	6,750 00
For paying indebtedness on account of sewerage,	350 00
For drainage,	800 00
For fencing,	200 00
For wood-house and cellar,	1,200 00
For putting on fire proof roof,	1,000 00
Total,	$24,500 00

A detailed statement is given in the report of the institution, showing the whole amount appropriated since the organization of the institution in 1852. The gross amount is $98,000 00. Of this sum $41,900 00 has been expended for the support of the institution, and $56,100 for buildings and permanent improvements.

The institution is becoming in a high degree successful. The repeal of the law, at the last session, requiring a certificate of poverty to obtain access to the institution, has been very advantageous; and it has given instruction, during 1859, to seventy-three pupils. The estimates for current expenses during the current year, are made with reference to the support of ninety-five inmates, including pupils, officers, and employees. The buildings are substantial, commodious, and of imposing appearance. The management of the institution, financially, and in the excellence and completeness of instruction, is worthy of public approval.

INSTITUTE FOR THE BLIND.

This institution is more prosperous than during any previous year, and is making a near approach, in usefulness, to the praiseworthy objects for which it was founded. The expenditures during the past year, have been kept within the appropriation. There is reason for renewed confidence in the management of the various interests of the institution, and the friends of education and humanity have cause for encouragement in the progress of the work of educating the unfortunate class taught there, and in the mitigation of their afflictions.

The estimates for current expenses and other purposes, reach in the aggregate $19,200 00.

I have visited this as well as the other Public Institutions of the State, and although it might be desirable in some respects

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that all the improvements suggested should be made, yet I am satisfied that some portion of them can for the present be dispensed with. It is not absolutely necessary that a brick workshop for male pupils, at an estimated cost of $3,500, should be erected at the present time. I am also satisfied that the sum of $10,000, estimated for current expenses, is more by $1,000 than will be required. The balance of the amount asked for, to-wit: $13,700, ought to be appropriated.

The number of the pupils connected with the Institute at the date of the report was thirty-two. They exhibit marked evidence of improvement, and the institution under its present financial and educational management furnishes fresh evidence that it is entitled to confidence, encouragement and patronage. The Annual Report gives very full information of the order and character of the instruction, together with the by-laws of the Institution. It contains also a detail of expenditures to which attention should be given.

STATE PRISON.

The number of convicts in the State Prison on the 1st of January, 1859, was,.....	202
There were received during the year 1859,.....	95
Total number in Prison during 1859,.....	297

The number received during the year was thirty-two less than during 1858.

Number discharged on expiration of sentence,.....	84	
Number pardoned,.....	29	
Deaths,.....	2	
		115
Number in Prison January 1st, 1860,.....		182

The amount of money expended by the Commissioner during the past year is $50,174 38, of which the sum of $29,701 01 was for current expenses—$12,763 38 for old indebtedness, and $7,625 99 for the new wall and building, and a balance of $1,377 12 was paid over to his successor in office. The amount of indebtedness January 1st, 1860, was $926 14, to meet which there was in hand the before mentioned sum of $1,-377 12.

There is due from the General Government the sum of $3,-480 24, which has been liquidated and will soon be paid, making in cash and assets in hand, an available balance of $3,-931 22 for the current year.

Deducting from this amount the sums contracted to be paid for stone, and materials for wall, and adding the sum to become

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due for keeping United States prisoners for the year 1860, and the value of stock on hand in shops, the commissioner shows a balance in favor of current expense account of $3,326 46.

The Commissioner estimates the value of productive labor of the prisoners for the past year, including work upon the prison wall, at $25,300 75. A large proportion of the wall has been completed, and the remainder ought to be completed as early in the season as is practicable. The report of the Commissioner will be laid before you. It is very full, and contains very many valuable suggestions, pointing towards reforms in policy, to which your attention is invited. The completion of the Prison buildings and walls at an early day, will leave a large number of laborers almost entirely unemployed, unless some steps are taken to engage the able bodied prisoners in manufacturing. They ought to be able to pay some portion of the expenses of supporting the institution.

ADJUTANT GENERAL'S REPORT.

The Report of the Adjutant General shows 55 volunteer military companies, embracing 2,365 rank and file. The returns of the enrolled militia show great neglect of duty by the assessors. From a large majority of the counties of the State no returns are made as provided by law. As this annual return is necessary, under a law of Congress, to insure the distribution of an annual quota of arms to the State, it is to be hoped that more care may hereafter be taken.

Various interesting statistics relative to the volunteer militia will be found in the Report.

GEOLOGICAL SURVEY.

The geological survey has been most satisfactorily pushed forward. Either the Commissioners in person, or by skillful assistants, have been almost constantly in the field. Communications will be laid before you, from them, showing the progress of their work. As some strictures of a public character have been passed upon this survey, and upon the course of the Commissioners, it is eminently proper that this service should be fully examined, not only for the public benefit, but as an act of justice to the Commissioners and their assistants.

LOCAL LEGISLATION.

Two years ago, the attention of the Legislature was particularly called to the evils of excessive local legislation. It had subjected the State to great expense, without giving back in return the corresponding benefits. I deem it my duty again to

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invite your consideration of its evils. While it is true that during the last two sessions of the Legislature, the amount of such legislation has been far less than in previous years, and a large sum saved to the State in consequence, it is also true that the reform has not been complete. If there is in the judgment of the Legislature, a class of cases where the objects of corporations cannot be attained under general laws, that class can be specially designated in some practicable manner, and every other class precluded from consideration. A determination by the Legislature at the commencement of the session to discourage special legislation, will save much time and expense.

SWAMP LANDS.

In 1850, an act of Congress gave to the States all the unsold swamp and overflowed lands that lay within them, respectively, for certain purposes named in the law.

To determine the amount of land to which each State was entitled, the Commissioner of the Land Office submitted to the Governors of the several States two modes, one, by taking the field notes and surveys of the Government Surveyors, and adopting their returns of swamp and overflowed lands; the other, by the appointment of agents who should make examination of the lands, and make proof of their character to the satisfaction of the Land Department. Governor Dewey chose to take the lands as they were designated in the returns of the Government Surveyors. By this mode the State acquired about $1,600,000 acres. In most of the States, these swamp lands were selected by agents appointed for that purpose. As early as 1852 or 1853, it was ascertained that by the mode of selection adopted by Governor Dewey, the State would lose from one to two millions of acres of valuable swamp and overflowed lands, and an act was passed authorizing an examination and survey of those lands. Nothing, however, was done under that act. In 1857 another act was passed for the same purpose, under which some examinations and surveys were made, but the act provided no adequate means of paying the expense. In my message to the Legislature at its last session, I urged an amendment to the law, authorizing the expense of those surveys to be paid out of the General Fund, to be reimbursed from the Swamp Land Fund, when sales of swamp lands were made.—The amendment passed. In pursuance of the law, I caused those surveys to be vigorously prosecuted. The report of the Superintendent of those surveys, which will be laid before you, shows 1,261,187 25-100 acres of land surveyed, in a portion of the State only, and shows also over 600,000 acres of lands to

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which the State is entitled, in the few counties surveyed, over and above the amount received by the State under the process adopted by Gov. Dewey. From the surveys already made, it is safe to calculate that the State is entitled to at least a million and a half acres more than has been received. The price agreed to be paid to the principal superintending surveyors, after consultation with the Secretary of State, was five dollars per day, and necessary actual expenses. For the care, labor, and responsibility required, the price was low. No man, whose services are not worth that amount, in such an employment, ought to be engaged in it. The whole expense of the survey of these lands, including the survey of Islands in the Mississippi and Wisconsin rivers, is $35,773 71, or less than two and one-half cents per acre. The lands, at the lowest estimate, are worth over a million of dollars. The only mode by which they can ever be obtained is by these surveys, pointing out the errors committed, upon which to base our claim upon the Land Department.

The Commissioner of the Land Office is disposed to withhold these lands from the State until an act of Congress can give us relief, on the ground that Gov. Dewey chose to determine the amount belonging to the State in an unfortunate way. The evidences of these surveys are in the hands of our Senators at Washington, and the delegation from this State there will press the claims of the State, both upon the Land Department and upon Congress. The School Fund needs the avails of a portion of these lands. That Fund will not increase as rapidly as heretofore, while the number of school children is more rapidly increasing in the State, and the amount per scholar will every year decrease, while the aggregate amount of the Fund may remain the same. Of the accounts audited for expenses by the Secretary of State, I have no knowledge except that, from the aggregate expenses, it appears that these surveys have cost less than any other Government surveys ever made in the State. A rigid investigation into these audited accounts, as well as into the transactions of all the departments, is recommended.

RAILROADS.

Since the last session of the Legislature, nothing has been done by the La Crosse and Milwaukee railroad company, or by any other company representing it, toward a compliance with the act conferring the land grant upon that company. By the terms of the law turning over the grant to that company, the Legislature is authorized to declare the grant forfeited, so far as rights have not become vested. The final disposition of the

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vexed questions connected with this grant, is a serious subject for your consideration. I shall continue the same course that I have heretofore pursued in regard to it, unless some steps are taken by the Legislature to change the character of my duties.

I have no recommendations to make in the premises, except to suggest that in case the grant, or any portion of it, is put in the hands of a new company, it should be done upon such terms and conditions, if practicable, as will best aid and relieve the farmers and innocent stockholders of the La Crosse and Milwaukee railroad company, whose interests have become so much involved in the misfortunes of that company.

There ought to be further protection to the innocent stockholders who pay their money into railroad companies and other incorporated companies. A law should be passed authorizing the innocent and honest stockholders, to follow their money into the road or other business of the corporation, and in case it has not been honestly disposed of, to recover back the amount, each stockholder for himself, of any responsible director, or other officer of the company. It is only by some such process as this that good faith in transacting the business of incorporated companies can be secured. The first stockholders who pay their money in good faith for these public improvements, ought to be secured by a first lien on the property and franchises of the company.

CAPITOL ENLARGEMENT.

The safety of our public records, banking securities, and school fund securities, requires additional improvements about the capitol. Besides the large amount of money occasionally in the office of the State Treasurer, there are seven or eight millions of dollars of banking and other securities in the State offices.

The safety of these ought not to be jeopardized. The erection of the west wing of the capitol will furnish the relief I refer to, and also provide new, more healthy and more suitable rooms for the Senate, Bank Comptroller and Treasurer. The foundation for such a building should be laid some months before the walls are erected upon it. I recommend that an act be passed to authorize the building of the foundation for the west wing during the coming season. An appropriation of a few thousand dollars only will be required for the purpose.

RATES OF INTEREST.

I must again call attention to the law in regard to rates of interest. In my last Annual Message, I treated upon the sub-

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ject somewhat at length, and endeavored to show the pernicious effects of the high rates of interest allowed by law upon the whole business of the country. I beg leave to refer you again to that Message, and to urge your examination of the subject with care. The agreement to pay unusual sums per cent. for the use of money loaned has ruined multitudes of the people of this State. The newspapers are loaded down with advertisements of sheriff's sales of property, sacrificed to pay interest. There is no branch of business that will warrant any man in paying twelve per cent. on long time for the use of money. The farmer cannot make twelve per cent. over and above his necessary expenses in carrying on his farm, from the products of his labor, upon his capital invested. So with the mechanic. The merchant cannot hire money at twelve per cent. with which to carry on mercantile pursuits. There is no branch of manufactures wherein twelve per cent. can be realized over and above the legitimate expenses involved in the business. A large rate of interest is voracious. It eats up the capital of the man who agrees to pay it. Men in debt cannot borrow themselves out by undertaking to pay beyond what they can realize. Increasing indebtedness by the accumulation of exorbitant sums paid, or agreed to be paid, for the use of money, neither lightens obligations nor increases ability.

The use of money is not worth more than can be realized out of it in some honest calling, and as a reward of well directed labor, skill or enterprise. No money that ought to stay here to be loaned, will ever be driven out of the State, simply because the rates of interest are reduced to a level with those allowed in other States. No man will ever have money to loan, who begins by borrowing in this way. Money that will not seek investment here from abroad, unless at twelve per cent., ought to be discouraged from coming. When it goes back, it takes with it more than it has earned, and calls for sacrifices of property to make good its demands. It is better to grow slowly into competence or affluence, than to take nine chances of ruin to one of success, upon this kind of speculation. It is better that men own what they earn, though the amount or value be small, than to be temporarily surrounded by abundance, which must be all swallowed up to meet obligations. Free trade in money, as the experience of the business world has shown, enriches the speculators who loan it, and ruins those who borrow it. In a fast age, when so many seek to live without toil, and get money without paying for it, but few reach the end of the journey, either of business or life, unshattered in fortune.

The active business capital of the country is only about fif-

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teen per cent. of cash, while the other eighty-five per cent. is faith. There is too much credit in business for safety in business. When credit is exhausted, in most cases of pecuniary distress, in active business, not over fifteen per cent. is left to fulfill promises. It is because too much is constantly paid for money that the indestructible property of the country changes hands so constantly. What is promised cannot be paid, because *too much* has been promised. When money brings twelve per cent.—and it will always bring that while the law allows it—there is more profit to the lender than to put his capital into manufactures or farms; so, less substantial wealth is produced, and more of the avails of labor taken as the price for its use.

If the people of this State cannot hire money at seven per cent., they cannot afford to pay twelve. If agricultural capital only doubles in about twenty years, and money at twelve per cent., compounded, doubles in a little over six, money has an accretive power three times greater than the producing power of the soil, out of which substantial wealth and prosperity must grow. It is useless to speculate, however, upon such a subject, when experience, the best reasoner and teacher, has proved over and over again that those who pay largely for the use of money, never have any to loan to others, and are always seeking new opportunities to borrow. When the law permits exactions they will be made. Some relief must be furnished the people against the future, either by lessening the present rates of interest, or by some law, like those of Ohio and some other States, fixing a limited value to real estate, below which it shall not be sold on execution or judgment.

The credit of the people of Wisconsin which, from a variety of causes had been seriously and detrimentally affected, in common with that of our sister States, of the west, is becoming gradually restored, and the gathered harvests of the past season have brought an earnest of renewed prosperity. With these must come a renewed sense of justice. Payment of all legal and equitable foreign debts, without a design or thought of repudiation, as fast as the means can be produced, is a duty we owe not only to ourselves, but to the reputation of our young and vigorous State. As we would expect justice, so let us do justice.

SLAVERY.

New subjects of excitement connected with slavery and the slave trade are agitating the public mind. As a national question, that of slavery and slavery extension is foremost among the people. Slavery existed in the Colonies before the law,

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and before there were any State Constitutions. It was forced into some of the States, as in the case of Virginia, against the will and remonstrances of colonial citizens. The slave trade was made a matter of complaint against the mother country. It was deemed of incalculable evil to the new settlements upon the western continent. Existing, as slavery did, in all but one of the colonies, at the time of the formation of our present constitutional government, it was *tolerated* for the time being, with the idea that its existence would be, comparatively, but temporary, and that it would die out, as an institution entirely incompatible with the genius of the government, and with the great objects for which it was formed. While the increase of the number of slave states has not been correspondingly great, the increase of slavery and of the power of slavery in the government has been so great as that the slave population in the slave states is now greater than the entire population of the colonies at the time of our revolutionary controversy with Great Britain, and the whole machinery of the federal government is blocked up by its exactions. The compact made at the time of the adoption of the Constitution of the United States, that slavery should be *tolerated*, and that "persons held to service should be delivered up on claim of the party to whom service was due has not been satisfactory to the slaveholding States. New demands have been constantly made upon the consciences of the people of the non-slaveholding States, until serious difficulties have arisen between the two sections of the Union. There is no right of interference with slavery in the Slave States by legislation in the Free States, tending to its abolition, or by citizens of the Free States through a violent intervention. But the government was formed for the declared purpose of "preserving the blessings of Liberty," among other things, and not for the purpose of extending slavery. The colonies which so urgently denounced the evils of the institution and so strongly complained of the slave trade, now, erected into states, seek to force upon free territories the evils of a system they then deplored, by planting slavery where the Fathers of the Republic never intended it should go. Time after time compromises have been entered into, connected with and growing out of the existence of slavery, and time after time, at the demands of slavery, they have been broken down. Its exactions are intolerant. While there is no right of interference with slavery where it exists in the slave states, by free state legislation, and while there is no effort at interference with it by forcible means by citizens of the free states, with a few individual exceptions, the free states have a right to insist, and it is their duty to insist, that it shall be no farther extended. The fact that

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the Territories are the common property of the people of all the states carries with it no right to establish slavery there. The fact that men are held as slaves in slave states gives no right to carry them as slaves into territories, simply because they are counted as property in the slave states. The fact that slaves are called property, gives no right of property in them. Men are not recognized by the civilized world as common subjects of property. They cannot be placed in the same category as chattels, and things and estates, which are universally conceded to be subjects of ownership. Slavery in the Territories, therefore, would be without law and above the law, a mere creature of force, subject to all the contingencies of a violent existence. An institution so inhuman, so pernicious in its character, so disastrous to the interests of free labor, and terrible in its consequences to the bondmen, and so antagonistic to the great principles of human liberty that underlie our government, ought, by the exercise of every legitimate power, to be restrained from any further extension. The new and fearful doctrine, that under the Constitution of the United States, slavery goes traveling into the Free Territories of the United States, and is there to be protected under its broad shield, without any local law on the subject in the Territories, is unworthy of the age in which we live, or of the statesmen to whose hands are entrusted the interests of this great people. It is no subject of congratulation that in this theoretically free Government an effort has been made, and is still persisted in, to establish the "right of every citizen to take his property of every kind, including slaves, into the Territories, and have it protected there under the Constitution." The idea that "neither Congress nor a Territorial Legislature, nor *any human power*, has any authority to annul or impair this vested right," is the most unwarranted of any ever conceived since the Federal Government had an existence. No good citizen can give assent to it. No honest, enlightened statesman should countenance it for a moment. It is not true. There must be a power over slavery somewhere. It is not above the law or out of the reach of the law.

If Congress cannot prevent its extension, where does it get the power to authorize a convention to form a State Constitution prohibiting it? If a Territorial Legislature cannot prohibit it, how can it provide for the election of delegates to a Constitutional Convention, with power to make a free Constitution? It would then be unconstitutional to declare in a State Constitution, formed over a Territory, that there should be no slavery there. A Constitutional Convention, sitting to make a State Constitution, is a "human power." Is it true that slavery overrides

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every other great interest? That the assumed right of property in man is so old and enduring that, touched by the indurating hand of time, it can harden into a right absolute, beyond the reach of any interference but that of Omnipotence? Have we such a government that there is no power but that of Almighty God that dares to touch it? If so, this great nation must bend its neck to the yoke, and slavery become universal, and, in a government ordained by the people to preserve the blessings of Liberty, humanity must "give signs of woe that Liberty is lost." The fact that Congress has the power to prohibit slavery in the Territories, however much that doctrine may be opposed from motives of interest or ambition, notwithstanding the great weight that has been thrown into the scale against it, is as certain as that the government has power to acquire territory at all. That it cannot control what it has power to acquire by treaty, by conquest, or by purchase, is absurd. This power should be exercised, and the way of slavery extension walled up forever. The slave States have no reason to complain of this. They must be left unmolested in the enjoyment of the blessings of that peculiar institution, if there are are any blessings connected with it, in the slave States, so long as the government remains. While this is conceded, the right to impose it upon new territories cannot be admitted, and its extension must be prevented, not by inroads upon the slave States themselves, with violence and in blood, but by legitimate constitutional legislation, sustained by the power of the government itself.

It cannot be conceded that the black race has no business upon the earth. We can have no controversy with the Great God over any supposed error in the location or distribution of races. There is a diversity of races. Intellect is confined to no race, while there is great inequality in intellectual development. So far as the great rights of life, liberty, and the pursuit of happiness are concerned, it is enough to know that they belong to manhood. With the wisdom which has distinguished the different races of men by marked physical and intellectual features, we can have no dispute. But we can learn, and we do learn, from this very diversity, that each race belongs to itself alone, and that there can be no social contact or assimilation but would carry with them untold disasters.

There are other evils connected with this subject. While the African slave trade is made piracy by law, and is so condemned by the whole civilized world, deliberate attempts are constantly made to re-open it, and in frequent instances cargoes of slaves, fresh from Africa, have been landed upon our southern coasts, and the chattels scattered though the country, marketed for service upon southern plantations. This evil is

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more grave from the fact that it receives countenance from leading southern statesmen, and is openly proclaimed as a policy designed to be reinstated.

Again: In some of the slaveholding States, laws have been passed authorizing the sale of free blacks into slavery, and the confiscation of their property, in case they remain there after a given time mentioned in the law. The laws which prohibit the ingress of free blacks surrounding these States, render deplorable indeed the condition of that unfortunate race of men, and are a sad commentary upon the christianity and civilization of the age, in a land boasting of its freedom. The extension of an institution of this character, so fraught with calamities to both the white and black races, into free territories, multiplying the elements and means of oppression and wrong, ought not to be encouraged or countenanced either by the citizens of the Southern or Northern States.

Free labor languishes and becomes degrading when put in competition with slave labor, and idleness, poverty and vice among large classes of non-slaveholders, take the place of industry, and thrift, and virtue. It prevents a general system of popular education, and ignorance abounds in the places where knowledge should be the brightest ornament of intellect.

The increase of the blacks in warm climates is far more rapid than that of the whites. Already in some of the slave States the slaves outnumber the free whites. Twenty-five years from the present time, the ordinary ratio of increase will give a slave population in the slave-holding States of nearly ten millions, at least equalling, if not superior in numbers to the free white citizens. Looking to a future in the history of States beyond that, we may well enquire what will be the condition of the Southern States and of the whole country at the end of fifty years. What can be done with twenty millions of slaves, without education, without fixed moral principles, the subjects of whim, caprice, passion; knowing no law but the law of force, submitting to no power but the power of force; smarting under real or imaginary injuries; deeming themselves oppressed and looking every day upon their supposed oppressors; more restrained of their liberty through the fears of the masters, and subject to more rigid police surveillance, and more extreme exactions, because of multiplied dangers? What could control the wild passions of that overwhelming physical power, once aroused? So terrible a wrath, with so resistless a force, would almost inevitably lead to a war of races, more cruel, destructive, bloodthirsty, than the world ever saw before, beginning with conflict and ending with butchery. In such a war, one or the other of the two races must be destroyed. In such a

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contest, where would the victory be? To precisely such a result are we tending to-day. Deny it as we may, the physical laws of the races, and the climatic influences, are driving us right onward towards such a future. The sagacious statesman, gathering wisdom from the history of living as well as of the dead nations, looking forward to a probable future as he looks back at an actual past, and seeing danger to his country and institutions afar off, should devise some means of protection commensurate with the apprehended danger, by which such calamities may be avoided.

It has been well said that "it is the true mission of a superior and enlightened race to protect and establish with well founded institutions the feebler races within its influence. The general welfare requires this, and renders it the exalted duty of powerful nations. England, France and Russia, though subject to selfish monarchies, yet feel the impulse of this enlightened age; and we see the Czar giving freedom and rights to his sixty millions of serfs, and spreading civilization over all the North of Europe and Asia. England and France hold up besotted Turkey, and endeavoring to instill life again by imparting freedom and toleration to the masses. England extends her principles of representative government, in greater or less degree, to her dependencies; and France, propagating her power in Africa and Asia, carries with it the refinement, intelligence and skill which may at some time elevate the people she civilizes in the scale of nations."

"Shall the mighty States of this hemisphere—the pioneers of the liberal principle of the greatest good to the greatest number—be known to the red and black races, struggling into existence, under liberal forms of government, in neighboring climes, suited to their caste, only as depredators and enslavers? They seem to have been committed to our guardianship by the gracious Providence that has conferred so many blessings upon us in the achievement of our own liberties. Shall we abuse the power thus conferred by establishing bondage as the law for all whom we can master?"

A remedy for these anticipated evils, and a solution of this whole slavery problem may be found in the suggestions of our early statesmen while they were casting about for this purpose, impressed as they were that the relation of master and slave was to be tolerated for the time and ultimately to die out.

It can be found by simply providing for the peaceful emigration from all the States of this Union, of all the free colored persons of African descent, who may desire to emigrate, to some place in Central or South America, in some of the States of the tropical regions, in which rights may be acquired by treaty by the United States, for that purpose, and for their benefit. It is simply that these people may go and mingle with the population already existing in those States (and a large portion of the people there is of the colored race,) where color is no degradation, and where they may mingle

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freely together, with all the rights of settlement and citizenship, and form themselves into colonies.

In speaking upon this proposed measure, Mr. Jefferson said: "It was, however, found that the public mind would not yet bear the proposition; yet the day is not far distant when it must bear it, and adopt it, or worse will follow. Nothing is more certainly written in in the book of fate, than that these people (the negroes) are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of *emancipation and deportation*, and in such slow degree that the evil will wear off insensibly, and their place be *pari passu* filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors."

In a letter to Mr. Coles, Mr. Jefferson thus warns his friends in the South: "Yet the hour of emancipation is advancing in the march of time. *It will come;* and whether brought on by the generous enerous energies of our own friends, or by the bloody process of St. Domingo * * * * is a leaf of our history not yet turned over."

In his letter to Mr. Sparks, he says: "The second object, and most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate friendly to human life and happiness."

In consideration of the commercial advantages of a free trade with such colonies, the United States could well make all necessary and proper engagements to maintain them in the enjoyment of the rights and privileges, acquired by a treaty made for the purpose of establishing them there. Here this government can do something worthy of a great nation. A way of escape would be offered to the free blacks from renewed bondage. Inducements would be held out to philanthropic men to emancipate their slaves; the northern slave States, following the lead of the free States could quietly and gradually introduce free labor in the place of slave labor, thus adding to their wealth and honor; the great evils to be apprehended from an over crowded slave population would be avoided, and liberty prevail throughout a land universally prosperous, and under the sole dominion of the white race. The commerce of these colonies, increasing with their age and civilization, would add to our accumulating wealth and prosperity, and the wrongs of ages of oppression be blotted out from the book of remembrance forever. To this it must come sooner or later, and delay only increase the difficulties surrounding us.

To lead in invoking the attention of the whole people to this great

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enterprise would well become the vigorous young States of the Northwestern Territory, which have grown up under the shadow of the tree of liberty planted by Virginia.

A memorial to Congress on this subject is seriously recommended.

Peaceable and legal remedies alone can relieve us of slavery extension and slavery agitation.

The provoking riots at Harper's Ferry, which were dignified into treason against the Government of the State of Virginia, were the fit offspring of the forcible attempt to plant Slavery in Kansas and the ligitimate fruits of the repeal of the Missouri Compromise.

However much we may admire brave men and heroic deeds, we can find in them no excuse for attempts by force to undo domestic evils under a government like ours. The theory of our government is, that it is one of law, not of force. There are peaceful and legal remedies by which wrongs may be redressed. Justice for the sins of nations, as for the sins of individuals, though sometimes apparently slow, is always sure as the execution of Divine Judgments. While we remain a government of banded States, good faith requires that no State. and the citizens of no State, shall interfere with the institutions of any other State. While Wisconsin will suffer no hostile invasion from any other State or the citizens thereof, so it must repress any hostile attempts upon the institutions of its sister States. The occasion of the difficulties at Harper's Ferry was signalized by crimes committed both by invaders and invaded. No matter how philanthropic or humane the motives of misguided men may have been, they committed wrongs in the eye of the law which cannot by good citizens be palliated or excused.

The disunion sentiments avowed in portions of the country, and sometimes in our Halls of National Ligislation, are unpatriotic, undignified, disgraceful. Every *threat* of disunion should be held up to public reprobation in all sections of the Union, and every *attempt* at disunion rewarded with a halter. The Union of these states cannot be dissolved It may be rocked, but cannot be overturned.—There is no conceivable contingency in which it can be consented to. A disruption, instead of relieving us from present evils, would involve all sections in far greater evils. While the North asks nothing that is wrong, it will submit to no wrong, but will seek its remedy in wholesome laws, wisely enacted and firmly executed. If any state forgets its allegiance, it must be brought back The South is entitled to be left unmolested in her domestic relations and institutions, and must be content with that; while both sections of the Union, striving to do exact justice to each other, may yet be relieved from all jealousies and heartburnings, and escape the derision of the nations of the earth.

"Faith without works is dead." Labor, and vigilance, and honesty of purpose, devoted to the welfare of the State, and of the common country, with an earnest desire for the prosperity and happiness of the whole people, will dispel all the darkness that envelopes us and restore the hopes of permanent prosperity. With a just pride we,

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may then look, in the past, upon the budding, opening glory of Young America as she was, and, in the present, upon her rich ripeness as she is.

ALEX. W. RANDALL.

MADISON, Jan. 12, 1860.

Senate returned to the Senate Chamber, and
On motion of Senator Virgin,
Senate adjourned.

FRIDAY, JANUARY 13th—10 o'clock, A.M.

Senate met pursuant to adjournment.
Lieutenant Governor in the Chair.
Roll of Senators called and the absentee was
Senator Hutchinson.
Journal of yesterday read and approved.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and Referred.

By Senator Cox:

No. 1, S., petition of the inhabitants of Pierce county, Wis.

Which was referred to the Committee on School and University Lands.

By Senator Ferguson:

No. 2, S., memorial of the Board of Supervisors of the county of Dodge, Wis.

Referred to Judiciary Committee.

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RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Virgin:
Res. No. 5, S.,
Resolved, That 2,000 copies of the Governor's Message be printed in pamphlet form for the use of the Senate.
Referred to Joint Committee on Printing.

By Senator Hanchett:
Res. No. 6, S.,
Resolved, That the Committee on Town and County Organization be instructed to inquire into the expediency of providing by law for the election of three County Commissioners in each county of the State, to perform the duties now required to be performed by the County Board of Supervisors;
Laid over.

By Senator Worthington:
Res. No. 7, S.,
Resolved, That the President of the Senate is hereby requested to invite the resident clergy of the city of Madison to open the morning sessions of the Senate by prayer;
Laid over.

By Senator Masters:
Res. No. 8, S.,
Resolved, That the Chief Clerk of the Senate be directed to furnish the Postmaster at Madison with a list of the names of the President and members of the Senate, the Chief Clerk and Sergeant-at-Arms, and that the postage on all printed matter received by them be charged to the State.
Referred to Committee on Legislative Expenses.

By Senator Hanchett:
Joint Res. No. 2, S.,
Resolved, by the Senate, the Assembly concurring, That the printing of all public documents, for the use of the Legislature, be authorized only by joint resolution of the Senate and Assembly;
Referred to Judiciary Committee.

On motion of Senator Sweat,
Bills Nos. 1, 2, 3, 4 and 5, S., were taken from the general file and referred to the Judiciary Committee.

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BILLS INTRODUCED.

Read first and second times and referred.

By Sen. Curtis :

No. 7, S., a bill for an act to provide for furnishing members of the Legislature with newspapers and the payment thereof ;

Referred to committee on Legislative Expenditures.

By Sen. A. I. Bennett:

No. 8, S., a bill to amend Chapter 133, of the Revised Statutes, entitled "of costs and fees ;"

Referred to Judiciary Committee.

By Sen. A. I. Bennett :

No. 9, S., a bill to amend Chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes and the conveyance and redemption thereof," approved February 19th, 1859 ;

Referred to Judiciary Committee.

By Sen. A. I. Bennett :

No. 10, S., a bill to permanently fix the compensation of the officers and employees of the Legislature ;

Referred to Committee on Claims.

By Sen. A. I. Bennett :

No. 11, S., a bill for an act to amend Chapter 167, of the General Laws of 1859, entitled "an act to amend Chapter 15, of the Revised Statutes entitled 'of the assessment and collection of taxes ;'"

Referred to General File.

Sen. Virgin moved that all rules be suspended for the purpose of considering the resolutions which were laid over.

On this motion the ayes and noes were called for.

Motion lost—ayes 17, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Masters, Phillips, Seeley, Stewart, Virgin, Washburn, and Worthington—17.

Those who voted in the negative were

Senators Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Sweat, Taylor, Thurbur—10.

Sen. Davis asked leave of absence till Tuesday next ;

Which was granted.

On motion of Sen. Seeley,

The Senate adjourned.

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SATURDAY, JANUARY 14th, 1860.

Senate met.
Lieut. Governor in the chair.
Roll of Senators called, and the absentees were:
Senators Comstock, Davis, Eagan, Hutchinson and Rodolf.
The Journal of yesterday read and approved.

RESOLUTIONS LAYING OVER CONSIDERED.

Res. No. 6, S.,

Resolved, That the Committee on Town and County Organization be instructed to inquire into the expediency of providing by law for the election of three County Commissioners in each County of the State, to perform the duties now required to be performed by the County Board of Supervisors;

Which laid over from yesterday, was taken up.

Senator Virgin offered the following substitute:

Res. No. 9, S.,

Resolved, That it is inexpedient to change the law relating to the present system of Town and County government.

Sen. Maxon moved to lay the substitute on the table;

Upon this motion the ayes and noes were demanded, and

The motion was lost—ayes 9, noes 18.

Those who voted in the affirmative were

Senators Fratt, Gill, Hilgen, Masters, Maxon, Phillips, Rodolf, Stewart and Thurbur—9.

These who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Hanchett, Hotchkiss, Hutchinson, Seeley, Simpson, Sweat, Taylor, Virgin, Washburn and Worthington—18.

The question was then taken upon the passage of the substitute;

Which was lost.

The question recurring upon the passage of the original resolution,

Sen. Rodolf moved to lay on the table;

Which prevailed.

Res. No. 7, S.,

Resolved, That the President of the Senate is hereby re-

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quested to invite the resident Clergy of the city of Madison to open the morning sessions of the Senate by prayer;

Which was offered by Sen. Worthington,

Was taken up.

Sen. Maxon offered the following amendment:

"*Provided*, no money be drawn from the State Treasury for the benefit of such clergy."

Sen. Simpson offered the following amendment to the amendment:

"And that each member of the Senate pay their proportion of the expenses for such services;"

Which was lost—ayes 13, noes 14.

Those who voted in the affirmative were

Senators Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hilgen, Masters, Maxon, Simpson, Stewart, Taylor and Thurbur—13.

Those we voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Fratt, Hotckiss, Hutchinson, Phillips, Rodolf, Seeley, Sweat, Virgin, Washburn and Worthington—14.

The question was then taken upon the adoption of the amendment;

Which was lost—ayes 9, noes 18.

Those who voted in the affirmative were

Senators Decker, Ferguson, Gill, Hilgen, Masters, Maxon, Simpson, Taylor and Thurbur—9.

Those who voted in the negative were

Senators Bartlett, A I. Bennett, G. Bennett, Burdick, Cox, Curtis, Fratt, Hanchett, Hotchkiss, Hutchinson, Phillips, Rodolf, Seeley, Stewart, Sweat, Virgin, Washburn and Worthington—18.

Senator Simpson offered the following amendment:

Provided, That no Clergyman officiate as Chaplain for the Senate, who sympathises with, or teaches the doctrine, that John Brown and his *associates* were engaged in a lawful and proper undertaking in their foray upon Harper's Ferry, in Virginia;"

Which was lost—ayes 5, noes 21.

Those who voted in the affirmative were:

Senators Fratt, Maxon, Simpson, Sweat, and Thurbur—5.

Those who voted in the negative were:

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Decker, Furguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Virgin, Washburn, Worthington—21.

Senator Maxon offered the following amendment:

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"*Provided*, All religious services in the Senate Chamber shall be concluded before the hour of 10 o'clock, A. M., of each day;"

Which was lost.

The question then recurring upon the passage of the original resolution,

It was adopted—ayes 20, nays 7.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Curtis, Decker, Fratt, Hanchett, Hotchkiss, Hutchinson, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—20.

Those who voted in the negative were

Senators Cox, Ferguson, Gill, Hilgen, Masters, Maxon, Rodolf—7.

Senator Rodolf asked leave of absence for Senator Eagan,

Which was granted.

RESOLUTIONS PRESENTED.

By Senator Rodolf:

Res. No. 10, S.,

Resolved, That the Superintendent of Public Property be instructed to procure, for the President of the Senate, each Senator, the Chief Clerk and Sergeant-at-arms, five copies of the Session laws of 1859, now printed in the German language by S. Sekles, provided the price shall not exceed twenty cents per copy;

Which was adopted—ayes 24, nays, none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Decker, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—24.

Nays, none.

By Senator Curtis:

Res. No. 11, S.,

Resolved, That the Sergeant-at-Arms be, and he is hereby instructed, to furnish bona-fide Reporters of Newspapers a suitable amount of stationery;

Which was adopted—ayes 26, nays, none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simp-

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son, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—26.

Nays, none.

By Sen. Hotchkiss:

J. Res. No. 3, S.,

Resolved, by the Senate the Assembly concurring, That the Secretary of State be instructed to furnish the County of Sheboygan with ten copies each of the Revised Statutes, General Laws, and Private Laws, to replace the Statutes and Laws which were destroyed by fire on the first day of January, 1860;

Which was adopted.

REPORT.

By Sen. Hanchett:

The Committee on Judiciary, to whom was referred

No. 1, S., entitled "a bill for an act to legalize the official acts of Edward O'Hare, as Justice of the Peace in the County of Dane," have had said bill under consideration, and have instructed me to report the same back with a substitute, recommending the passage of the substitute.

Also,

No. 2, S., entitled "a bill for an act to legalize the official acts of Samuel Lattimore, as Justice of the Peace in the County of Dane," which I am instructed to report back with a substitute, recommending the passage of the substitute.

Also,

No. 3, S., entitled "a bill for an act to legalize the official acts of August B. Erbe, as Justice of the Peace in the County of Dane," which I am instructed to report back with a substitute, recommending the passage of the substitute.

Also,

No. 4, S., entitled "a bill for an act to legalize the official acts of Peter Haroldson, as Justice of the Peace in the County of Dane," which I am instructed to report back with a substitute, recommending the passage of the substitute.

Also,

No. 5, S., entitled "a bill for an act to legalize the official acts of Isaac C. Steele, as Justice of the Peace in the County of Dane," which I am instructed to report back with a substitute, recommending the passage of the substitute.

Also,

No. 1, S., "Memorial of the Board of Supervisors of the County of Dodge," which I am instructed to report back with the recommendation that it be laid on the table.

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Also,

No. 2, S., "Joint Resolution, relative to the printing of Public Documents," which I am instructed to report back by bill, recommending the passage of the bill.

BILLS INTRODUCED ON LEAVE.

Read first and second times and referred.

By Sen. Washburn:

Bill No. 12, S., a bill for an act to amend Chapter 12 of the Revised Statutes, entitled "Of Notaries Public."

Referred to Committee on Banks and Banking.

By Sen. Thurbur:

No. 13, S., a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society, the annual appropriation for the year 1859;

Referred to Committee on Agriculture.

By Sen. Maxon:

No. 14, S., a bill for an act to repeal Chap. 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller, and prescribing his duties;"

Referred to Committee on the Judiciary.

By Judiciary Committee:

No. 15, S., a bill for an act relating to the printing of Public Documents;

Referred to General File.

The following Communication was received from the Chief Clerk of the Senate, and read:

To the Honorable, the Senate:

I have appointed the following named Clerks:
Willard Merrill, Assistant Clerk;
J. B. Selby, Engrossing Clerk;
G. M. Powell, Enrolling Clerk;
A. L. Burk, Transcribing Clerk.

Respectfully, J. H. WARREN,
Chief Clerk Senate.

The following Communication was received from the Sergeant-at-Arms of the Senate, and read:

To the Honorable, the Senate:

I have appointed Simon S. Keyes, Assistant Sergeant-at-Arms;

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James L. Wilder, Postmaster;
Garret Mahoney, Postmaster's Assistant;
Henry M. Higbee, Doorkeeper;
F. G. L. Struve, Fireman;
William H. Worthington, Walter Wyman, Messengers to the Senate.

ASA KINNEY,
Sergeant-at-Arms of Senate.

On motion,
The Senate adjourned.

MONDAY, JANUARY 16, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the Chair.
Roll of Senators called and the absentees were
Senators Comstock, Davis, Egan, Sweat and Taylor.
Journal of Saturday read and approved.

LETTERS, PETITIONS, &c.,

Presented and referred.

By Sen. Cox:
Pet. No. 3, S., Petition from the inhabitants of Pierce county in relation to taxing Insurance Companies;
Referred to the Judiciary Committee.

By Sen. Rodolf:
Pet. No. 4, S., relating to the same subject; was
Referred to the Judiciary Committee.

By Sen. Virgin:
Pet. No. 5, S., Petition of J. McArthur and others praying for a change of Insurance;
Referred to the Judiciary Committee.

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ACCOUNTS PRESENTED AND REFERRED.

By Sen. Virgin:
Account of A. L. Burke;

By Sen. Virgin:
Account of James M. Maughs;
Which were referred to the Committee on Claims.

RESOLUTIONS PRESENTED AND CONSIDERED.

By Sen. Seeley:
Res. No. 12, S.,
Resolved, That the Superintendent of Public Property be requested to replace in the Senate Chamber, the map of the State of Wisconsin heretofore used by the Senate;
Which was adopted.

By Sen. Hotchkiss:
Res. No. 13, S.,
Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the Grand Jury system, and substituting in lieu thereof some method by which offenders may be speedily brought to trial;
Which was adopted.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Rodolf:
No. 16, S., a bill for an act to amend Section 59, of Chapter 28, of the Revised Statutes, entitled "Of School and University Lands;"
Which was referred to the Committee on School and University Lands.

By Sen. Rodolf:
No. 17, S., a bill for an act to remit certain penalties imposed by Section 50, of Chapter 28, of the Revised Statutes, entitled "Of School and University Lands;"
Which was referred to the Committee on School and University Lands.

By Sen. Simpson:
No. 18, S., a bill for an act relating to garnishee process;
Which was referred to the Judiciary Committee.

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By Sen. Washburn:

No. 19, S., a bill for an act to amend Chapter 134 of the Revised Statutes, entitled "Of Executions and proceedings supplementary thereto;"

Which was referred to the Judiciary Committee.

By Sen. Washburn:

No. 20, S., a bill for an act to authorize the drainage of Rush Lake;

Which was referred to the Committee on Roads, Bridges and Ferries.

By Sen. Seely:

No. 21, S., a bill for an act to prescribe the time for holding courts in the 3d Judicial Circuit;

Which was referred to the Judiciary Committee.

By Committee on Legislative Expenditures:

Substitute for No. 7, S., a bill for an act to provide for the payment of certain accounts for newspapers;

Which was referred to Committee on Claims.

REPORTS OF COMMITTEES.

The Committee on Legislative Expenditures to whom was referred,

No. 7, S., entitled a bill for an act to provide for furnishing members of the Legislature with newspapers and the payment of the same,

Beg leave to report, that early in the session of 1859, a resolution was passed by the Senate, authorizing the Lieut. Governor, Chief Clerk, Seargeant-at-Arms, and each Senator, to subscribe for a certain number of newspapers, the cost of which should not exceed ten dollars to each person. The Assembly adopted a similar resolution, authorizing each of it Members, Chief Clerk and Sergeant-at-Arms, to subscribe for six newspapers per day.

Had each member of the Legislature, including its officers, received the full number of papers authorized in those resolutions, the total amount of money necessary to pay for the same would be only $918,00, and yet accounts have been presented and audited by the Secretary of State for such newspapers furnished the Legislature of 1859, a particular statement of which is hereto annexed, amounting in the aggregate to the sum of $6851,39, or more than 52,00 to each member.

It was evidently the intention of the Legislature that the total expense incurred for newspapers should not exceed the

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same indicated by the resolutions of the two houses above referred to.

But before the close of that session a law passed authorizing the Secretary of State to audit the accounts of several newspaper publishers for papers furnished the Legislature at that session. They were required to state that the paper so furnished were ordered by the Chief Clerk or the person to whom they were sent or furnished, and that the accounts were just and true as to number and price of papers furnished, which statement was to be verified by the oath of such publisher. When so verified it was made the duty of the Secretary of State to adit such accounts and draw his warrant upon the Treasurer for thueir payment.

Under the provisions of this law, nearly six thousand dollars has been paid out of the State Treasury for newspapers, more than was contemplated by the resolutions of the two houses.

In order to guard if possible against similar occurences in the future, I am instructed to report back said bill by substitute and recommend the passage of the substitute.

G. W. WASHBURN, *Ch'n.*

Statement of Accounts audited for Newspapers for the Legislature of 1859:

Sharpstein & Lathrop,	$440 50
Jetmain & Brightman,	360 00
William E. Cramer,	302 00
S. M. Booth,	589 87
A. Bade,	389 00
Calkins & Webb,	865 00
Bishop & Wright,	21 00
Edward Rullman,	37 50
Simon Sekles,	179 50
Bernard Domschke,	162 00
Hotchkiss & Leland,	2 50
K. J. Fleischer,	60 50
Atwood & Rublee,	1,022 50
John R. Bohan,	45 00
D. W. Ballou, Jr.,	158 50
P. V. Deuster,	89 25
Moseley & Bro.,	8 25
H. Borschsenius,	78 00
S. D Carpenter,	1,254 00
Charles Holt,	52 50
T. W. & E. Brown,	17 00
Moritz Schœffler,	230 50
Crusvis & Klempell,	6 50
Smith & Vette,	50 00
Henry Cordier,	28 04
David Blumenfield,	107 50
Josiah T. Farrar,	2 50
Charles Roeser,	15 00
C. W. Fitch,	16 50

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Statement of Accounts audited for Newspapers.—continued.

Smith & Stone,	$85 36
Gustavus Grahl.	9 00
H. L. Rann,	3 18
Z. C. Wentworth,	3 00
Adolph Heidkamp,	32 90
Herman Linderman,	44 00
Ryan & Co.,	16 54
Wise, Lusk & Bailey,	11 84
J. N. Brundage,	4 32
William Euen & Co.,	15 24
Stone, Bro. & Co.,	1 62
Kellogg & Perkins,	3 00
Read & Young	28 00
Bliss, Eberhard & Festner,	8 10
D. McBride,	5 20
Total,	$6,851 39

On motion of Sen. Curtis,

The Senate went into Committee of the Whole on the General File;

Sen. Rodolf in the Chair; and

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

REPORT OF THE COMMITTEE OF THE WHOLE.

Mem. No. 1, S., Memorial of the Board of Supervisors of the County of Dodge;

And recommend that it lay upon the table;

Which was adopted.

Bill No. 1, S., a bill for an act to legalize the official acts of Edward O'Hare as Justice of the Peace in the County of Dane;

Bill No. 2, S., a bill for an act to legalize the official acts of Samuel Lattimore, as a Justice of the Peace in the County of Dane;

Bill No. 3, S., a bill for an act to legalize the official acts of August P. Erbe, as Justice of the Peace in the County of Dane;

Bill No. 4, S., a bill for an act to legalize the official acts of Peter Haroldon, as Justice of the Peace in the County of Dane; and

Bill No. 5, S., a bill for an act to legalize the official acts of Isaac C. Steele, as Justice of the Peace in the County of Dane;

With a recommendation that they do pass.

Also,

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Bill No. 15, S., a bill for an act relative to the printing of Public Documents;

With the recommendation that it do pass.

Bill No. 11, S., a bill to amend Chapter 167 of the General Laws of 1859, entitled an act to amend Chapter 18 of the Revised Statutes, entitled "Of the Assessment and Collection of Taxes;"

Which was referred to the General File.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

Res. No. 4, S.,

Relative to Joint Rules.

Also,

No. 6, S., a bill in relation to the assessment, levying and collection of Taxes in Sheboygan county.

I am also directed to inform you that the Assembly has passed

No. 27, A., a bill for an act to amend Chapter 185 of the General Laws of 1859, being an act entitled an act to construe Chapter 20 of the Revised Statutes, entitled "Of regulating fences;"

And asks the concurrence of the Senate in the same.

ASSEMBLY MESSAGES TAKEN UP.

Bill No. 27, A., a bill for an act to amend Chapter 185 of the General Laws of 1859, being an act entitled an act to construe Chapter 20 of the Revised Statutes, entitled "Of regulating fences;"

Goes to the General File.

GOVERNOR'S MESSAGE TAKEN UP.

EXECUTIVE OFFICE,

Madison, January 14th, 1860.

To the Legislature:—

As required by Section 6, of Article V, of the Constitution, I

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present herewith a list of the pardons and commutations granted by me during the year ending December 31, 1859, with the reasons for the same.

ALEX. W. RANDALL,
Governor.

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List of Pardons granted by Governor Randall from Jan. 1, 1859, to Jan. 1, 1860.

Date of Pardon.	Name.	Prison or Jail.	Sent From.	Crime.	When sentenced.	Term or Fine.
Jan'y 13,	Otis N. Cole,	State Prison,	Milwaukee county,	Larceny,	Feb. 17, 1858,	1 year.
Jan'y 19,	Frank Zimmermann	Dane Co. Jail,	Justices' Ct. Bl'k Earth	Assault and battery,	Dec. 23, 1858,	$50 fine.
Jan'y 26,	James M. Plummer,	State Prison,	Dane county,	Aiding to conceal stolen goods,	May 22, 1858,	1 year.
Jan'y 26,	William Jones.	do	Milwaukee county,	Arson,	May 1855,	7 years.
Jan'y 26,	James Everson,	do	Columbia county.	Breaking Jail,	Oct. 13, 1858,	2 years.
Jan'y 26,	Joseph Speese,	do	Jefferson county,	Assault with intent to kill,	Feb. 17, 1858,	3 years.
Jan'y 27,	M. Carmichael	Richland Co. Jail,	Richland county,	Selling liquors without license,	Nov. 1858,	fines.
Jan'y 28.	Charles Pendergast,	State Prison,	Milwaukee county,	Larceny,	Jan'y 1858,	2 years.
Feb'y 1,	John Spiegelberg,	Jefferson Co. Jail,	Jefferson county,	Obt'ing money un. false pretences	October 1858,	$50 fine.
Feb'y 9,	William Groshong,	do	do	Disturbing religious meeting,	Dec. 2, 1858,	$5 fine.
Feb'y 14,	Wm. Robinson,	State Prison,	Green county,	Breaking into house, with intent,	Sept. 11, 1858,	6 months
Feb'y 17,	George Wood,	do	Waukesha county,	Assault with intent to kill,	June 12, 1858,	2 years.
Feb'y 25,	Thomas J. Dexter,	do	Pierce county,	Murder,	April 1855,	life.
Feb'y 25	Daniel Bowker,	do	Rock county,	Larceny,	Apr. 28, 1856.	2½ y'rs.
March 10,	John Belton,	do	Milwaukee county,	Counterfeit money with intent, &c.	Oct. 9, 1857.	4 years.
March 15,	Thomas Waddle,	do	Grant county,	Counterfeiting tools do	April 8, 1858.	2 years.
March 30,	Ira Wilter,	Columbia Co. Jail,	Columbia county,	Assault and Battery,	October 1858,	$50 fine.
March 30,	John Taylor,	State Prison,	Fond du Lac county,	Larceny,	April 2, 1858.	1 year.
March 30,	Asel Bushnell,	do	do	do	do	1 year.
April 6,	David Seaman,	do	Walworth county,	do	May 29, 1858.	1 year
April 14,	Albert Roundy,	Dane Co. Jail,	Madison Police Court,	do	Mar. 25, 1859,	$50 fine.
April 23,	Henry A. Ewing,	State Prison,	Racine county,	do	April 1858,	1 year.
June 3,	Henry Needles,	do	Rock county,	Burglary,	Dec. 17, 1856,	5 years.
June 3,	Horton McNab,	do	Racine county,	do	Nov. 1, 1857.	2½ y'rs.
June 3,	John Burns,	do	do	Aiding prisoners to escape,	April, 1858.	4 years.
June 8,	Wm. H. Ruggles,	do	Milwaukee county,	Larceny,	Decem., 1858.	1 year.
June 13,	Michael Sullivan,	do	Crawford county,	do	Novem., 1858,	1½ y'rs.
June 13,	Marcellus W. Lee,	Milwaukee Co. Jail,	Municipal Court,	Assault,	June 11, 1859,	30 days.

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List of Pardons granted by Governor Randall—continued.

Date of Pardon.	Name.	Prison or Jail.	Sent From.	Crime.	When sentenced.	Term or Fine.
June 27,	Michael Shandly,	Dane Co. Jail,	Dane county,	Larceny	June 9, 1859,	60 days.
July 2,	William Conner,	do	do	do	April, 1859,	5 months
July 9,	Michael Thompson,	Waukesha Co. Jail,	Waukesha county,	Vagrancy,	June 11, 1859,	30 days.
July 21,	August Schultz,	Dane Co. Jail,	Dane county,	Larceny,	June 17, 1859,	$30 fine.
July 9,	James S. Thurston,	State Prison,	Grant county,	Manslaughter—3d degree,	Oct., 1858,	2 years.
July 21,	Jeremiah Reardon,	Jefferson Co. Jail,	Jefferson county,	Assault and battery,	July 6, 1858,	$5 fine.
Aug. 12,	Walter A. Blake,	State Prison,	Milwaukee county,	Br'k'ng dw. intent to steal & kill	May 28, 1855,	10 years.
Aug. 22,	Thomas Costigan,	Jefferson Co. Jail,	Watert'n Police Court,	Assault and battery,	Aug 12, 1859,	$1 fine.
Aug. 22,	Patrick McGrael,	do	do	do	do	$1 fine.
Aug 31,	Wm. H. Kempton,	State Prison,	Brown county,	Arson,	Nov. 22, 1858,	12 years.
Aug. 31,	Michael McGrael,	Jefferson Co. Jail,	Watert'n Police Court,	Assault and battery,	Aug. 12. 1859,	$1 fine.
Sept. 7,	Joseph Casler,	State Prison,	Marquette county,	Larceny,	Sept. 15, 1857,	2 years.
Sept. 7,	Charles Hooker,	Milwaukee Co. Jail,	Municipal Court,	Cutting down trees, &c.,	Aug. 23, 1859,	$10 fine
Sept. 26,	Ole Thoresen,	State Prison,	Iowa county,	Larceny,	Mar. 27, 1858,	1½ y'rs.
Oct. 25,	John Mires,	Dunn Co. Jail,	Eau Claire county,	do		3 months
Nov. 12,	Jacob Behm,	State Prison,	Dane county,	do	May 3, 1858,	1 year.
Nov. 29,	Sam'l McPhe son,	do	Milwaukee county,	Burglary,	May, 1855,	5 years.
Dec. 2,	James H. Woolsey,	do	Dane county,	Larceny,	April, 1857,	3 years.
Dec. 31,	Thomas Ryan,	do	Milwaukee county,	Arson,	July, 1857,	7 years.

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The reasons for the pardons and commutations in the foregoing list are as follows, in the order of that list:

OTIS N. COLE—plead guilty of larceny, and was sentenced to imprisonment for one year, to expire Feb. 17, 1859; was pardoned about one month previous, on his own petition and representations, endorsed by several respectable citizens of Milwaukee, who had known him for years.

FRANK ZIMMERMAN—was sentenced by a Justice of the Peace for assault and battery, and was pardoned after several weeks' confinement, on the petition of the Board of Supervisors of Dane County, representing the man's previous good character, and the poverty of his family, dependent upon his labor.

JAMES M. PLUMMER—was sentenced for one year from May 22, 1858, for aiding to conceal stolen goods; was pardoned Jan. 26, 1859, on a petition signed by the County Officers of Dane County, and many other respected citizens, including most of the Common Council of Madison. Judge Collins, who sentenced the prisoner, also earnestly urged the pardon.

WILLIAM JONES—was sentenced for arson to seven years' imprisonment. A petition for his pardon, drawn by the Judge who tried the case, was on file in this office as early as December, 1857, forwarded to my predecessor in office. I did not deem it my duty to act upon it at that time. On a subsequent application and examination into the circumstances of the case, involving grave doubts of guilt, and considering the advanced age of the prisoner (nearly 70 years), and his confinement of nearly four years under the sentence, I granted the discharge.

JAMES EVERSON—was after three month's confinement in jail awaiting trial, sentenced for two years, for aiding in breaking the jail and allowing a prisoner to escape. Judge Noggle, who was holding Court at Portage, and Judge Dixon, who presided at the trial, joined with a large number of citizens in asking the pardon, on the ground that the prisoner was of such weak mind as to have been misled by others into his crime, and that his punishment was sufficient.

JOSEPH SPEESE—had been in prison nearly a year, under a sentence for three years, for assault with intent to kill. The petition for his pardon, drawn by the prosecuting attorney, endorsed by the presiding judge, and senator for the county, and numerously signed, set forth clearly, that the crime was committed under great provocation, and amidst excitement, without malice. I deemed his punishment sufficient.

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MICHAEL CARMICHAEL—had been for some five months imprisoned under more than one sentence to fine, for selliug liquor without license. It appeared that the prisoner was not the owner of the place where the liquor was sold, and had in fact removed from the county (Richland) twelve months before being arrested while passing through. His petition, setting forth the facts, was signed by several hundred citizens of Richland county.

CHARLES PENDERGRASS.—This man had served a term of some fifteen months in the Milwaukee Co. jail, which in the condition of that jail was a hard sentence. On his time expiring he was at once arrested and tried for a larceny committed on the same day as the one for which he had just served his term, and was new sentenced to two years in state's prison. After being there confined for a year, the judge, sheriff, district attorney and chief of police, asked for his discharge, deeming him sufficiently punished, the State Prison Commissioner also reporting that his health was in a precarious conditiou.

JOHN SPIEGELBERG—pardon recommended by Judge Dixon, on the ground of sufficient punishment, and great destitution of prisoner's family.

WILLIAM GROSHONG—had been in Jefferson county jail for about two months, in default of payment of fine of $5 00. Punishment deemed sufficient.

WILLIAM ROBINSON—had been in prison five months on a sentence of six months for entering a dwelling with intent to steal. Had been in jail three months before trial. Pardon asked for by judge and district attorney on account of the youth and general good conduct of the prisoner, and sufficient punishment.

GEORGE WOOD—had already served a term of three years in state prison for burglary, and was still confined, and had been for some seven months on a further charge arising from the same transaction. His pardon was asked for by the judge who tried him, and by the committee of the Legislature who visited the prison.

THOMAS J. DEXTER—was indicted for murder at the March term of the Pierce County Circuit Court, 1855, and being convicted in April, and sentenced to State Prison for life. The papers in the case comprised letters and petitions from Judge Fuller, who presided at the trial—from the District Attorney who prosecuted—from the magistrate to whom the prisoner surrendered himself—from Messrs. Wetherby, Lusk, Humphrey, Dawson and Clapp, members of the bar of Pierce county, and J. B. Gray, Esq., of St. Croix county. Judge Fuller's letter recommends the pardon on account of mitigating circumstances

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connected with the offence—the absence of any malice towards the person killed, and the failing health and advanced age (60 years) of the prisoner. From the papers in the case, and from representations otherwise made, it appeared that a difficulty existed concerning the title of a certain tract of land; that a neighborhood quarrel ensued; that Dexter had ordered the other parties off at sundry times; that the other parties went upon the land in force and armed; that Dexter had been urged and advised that he had a right to defend his property by force; that on an attempt being made to survey the land, one of the party, after being warned by Dexter to refrain from driving stakes for survey, was shot. After a full consideration of all the circumstances of the case, I concluded to discharge the prisoner.

DANIEL BOWKER—plead guilty of larceny in Rock county, and sentenced to two and a half years in State Prison, from November 28th, 1856. Was pardoned, after being in prison two years and three months, on the recommendation of Judge Keep, who presided at the trial.

JOHN BELTON—was convicted in October, 1857, in Milwaukee county, of having counterfeit money in his possession, with intent to pass the same, and sentenced to four years in State Prison. Was pardoned, after being in prison some 18 months, on application of the Judge, District Attorney, and Chief of Police, the offence being a first offence, fully attoned for by his punishment.

THOMAS WADDLE—was convicted April 8th, 1858, in Grant county, of having counterfeit money in his possession, with intent to use. Was pardoned, on the urgent recommendation of Judge Cothren, the District Attorney, and members of the bar of Lancaster, setting forth the slight grounds of conviction, sufficient punishment, and destitute condition of a wife and seven children.

IRA WILTER—was convicted of assault and battery in Columbia county, in October, 1858, sentenced to a fine of $50 and costs, and imprisoned in default. After being confined five months, he was pardoned at the recommendation of Judge Dixon and others, as being sufficiently punished, and unable to pay his fine.

JOHN TAYLOR and ASEL BUSHNELL.—These young men—one just of age, the other younger—were sentenced to State Prison for one year for larceny, having plead guilty. They were pardoned three days before their term expired, on the representation of Judge Gorsline and the District Attorney of Fond du Lac County.

DAVID SEAMAN—a boy of sixteen years of age, was sen-

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tenced to State Prison one year for larceny. Pardoned after ten months' confinement, on the petition of many citizens of Walworth County, endorsed by the District Attorney, the Members of Assembly from Walworth County, and several Members from other Counties.

ALBERT ROUNDY—sentenced to a fine of $50 for larceny, and sent to Dane County Jail in default of payment. Pardoned at the instance of the Police Justice of Madison, and the District Attorney of Dane County, as being unable to pay the fine, and as having a family dependent upon his labor.

HENRY A. EWING—plead guilty of larceny, and sentenced to one year in State Prison. Pardoned five days before the expiration of his term, at the solicitation of the District Attorney.

HENRY NEEDLES.—This young man plead guilty of burglary in Beloit, in December, 1856, and was sentenced to five years in State Prison. After being confined two years and a half, he was pardoned at the solicitation of Judge Keep, the District Attorney, and many of the best citizens of Beloit and other portions of Rock County, as having been sufficiently punished.

HORTON MCNAB—sentenced to two and a half years in State Prison for burglary, from November 1, 1857. Pardoned after nineteen months' confinement, on the application of complainants, endorsed by the District Attorney of Racine County, William P. Lyon, Esq., on the ground of sufficient punishment and reformation.

JOHN BURNS—sent to State prison for four years from Racine County, for aiding prisoner to escape. Pardoned after fourteen months' confinement on the representation of W. P. Lyon, Esq., District Attorney, on the ground of sufficient punishment and reformation.

WILLIAM H. RUGGLES—plead guilty of larceny, in Milwaukee, December, 1858, and sentenced to one year in State Prison, after having been three months in jail. Was pardoned on the petition of the person in whose store the goods were taken, they having been reclaimed at once. The District Attorney joined in the petition, with numerous other citizens, on the ground that the offence was the first of the prisoner, committed in a moment of temptation, and representing repentance and reformation.

MICHAEL SULLIVAN—was sentenced, in November, 1858, in Crawford County, for larceny, to one and a half years in the State Prison. Was pardoned at the request of Judge Gale and a large number of the citizens of the County, on the ground of his previous good conduct, and the distress of his family, a wife and seven children, in extreme poverty.

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MARCELLUS W. LEE.—In this case the defendant had been prosecuted for larceny, as it appeared, maliciously, and acquitted. Meeting the complainant the same day, while smarting under his recent injury, he committed an assault and at once proceeded to the Municipal Court, and expressed his readiness to pay whatever fine should be adjudged to him. The Judge sentenced him to thirty days in jail. The facts being represented to me by a number of the most respectable citizens of Milwaukee, I commuted the punishment to a fine of $25, and caused the defendant to be discharged.

MICHAEL SHANDLEY—sentenced to sixty days in Dane County Jail, for petit larceny. After being in jail about three weeks, he was pardoned, on petition of the complaining witness, the Mayor, Police Justice, and District Attorney, it being a first offence, and a family being dependent on his labor.

WILLIAM CONNOR—sentenced to five months in Dane County Jail, for larceny. Prisoner paid for the property stolen, and after being confined about two months, was pardoned at the request of Judge Orton, the Mayor of Madison, the District Attorney, and Sheriff of Dane County.

MICHAEL THOMPSON—was committed to Waukesha County Jail on a charge of vagrancy, more by the influence of friends, to keep him from bad habits, than from any bad character. He was pardoned out just before the expiration of his time (thirty days) on the petition of citizens of Waukesha.

AUGUST SCHULTZ—sentenced to fine of $30 and costs, and confined in Dane County Jail, in default of payment, for larceny. After being confined four weeks, he was discharged on payment of the costs, on the petition of the complaining witness, the Police Justice and District Attorney, being poor and unable to pay the fine.

JAMES E. THURSTON—sentenced to the State Prison for two years, from October 1858, in Grant County, for manslaughter in the 3d degree. The petition in this case, signed by Judge Cothren, before whom the case was tried, Hon. Chas. Dunn, Judge S. O. Paine, General Cobb, and others, set forth the facts clearly, as a case of justifiable homicide. The man, in their judgment and mine, ought not to have been convicted.

JEREMIAH REARDON—sentenced to a fine of $5 and costs, for assault, in the Watertown Police Court, and confined in jail in default of payment. He was pardoned at the request of the Police Justice, on payment of the fine and costs, after about two weeks confinement.

WALTER A. BLAKE—was convicted in May, 1855, in Milwaukee County, of breaking into a dwelling-house with intent to steal and kill, and sentenced to the State Prison for 10 years.

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After having been in prison for more than four years, circumstances having come to light tending strongly to show that Blake was entirely innocent of the alleged crime, he was discharged, on the petition of the Judge, District Attorney, Sheriff, and other officers of Milwaukee County, familiar with the facts in the case.

THOMAS COSTIGAN—was fined $1 and costs, for an assault and battery, in the Watertown Police Court. On payment of the costs, he was discharged, after 10 days confinement, at the request of the Police Justice.

PATRICK MCGRAEL—was sentenced, in same Court, to pay a small fine for assault, and discharged (being unable to pay the fine) after ten days in jail, at the request of the Justice.

WILLIAM H. KEMPTON—was sentenced in November, 1858, in Brown County, to 12 years in State Prison, for arson. The papers in this case were quite voluminous, and personal representations were made by respectable citizens. It appeared that the prisoner was convicted on the testimony of an alleged accomplice, and of a witness by the name of Hobbs. It was represented by several parties that the prisoner could not have been convicted without the evidence of Hobbs. Eight of the jurors petitioned for the pardon, on account of doubts arising in their minds of the justice of the conviction. Twenty-seven citizens of Green Lake County, where both Kempton and Hobbs resided, certified to the bad character of Hobbs for veracity. An affidavit was presented of a declaration by Hobbs that either he or Kempton must go to prison. An affidavit also, of the keeper of the jail, during Kempton's confinement, of a conversation overheard between Kempton and a witness (who was an alleged accomplice) wherein the witness acknowledged that he was paid $100 for his evidence. Also affidavits showing that Kempton's wife and friends were denied access to him during his confinement; one of these affidavits being made by the jail keeper.

Also—a letter from Hon. James H. Howe, District Attorney, expressed the opinion that the prisoner ought not to have been convicted upon the testimony. The State Prison Commissioner expressed a firm conviction of his innocence. Four physicians, including the Prison physician, expressed the belief that the prisoner could not live, and that his disease was simply the result of the anguish of an innocent man. On a full consideration of these and the other circumstances urged, I issued a pardon in the case.

MICHAEL MCGREAL.—This case was precisely the same as that of Patrick McGrael, mentioned above. He was fined the

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same day, in the same court, one dollar and costs, and discharged after three weeks' confinement in jail.

JOSEPH CASLER—was pardoned three days before his time expired, on the recommendation of Judge Larabee and Hon. M. W. Seely, who was prosecuting attorney at the time.

CHARLES HOOKER—was sentenced in the Municipal Court of Milwaukee to a fine of ten dollars and costs, for cutting down trees. Being unable to pay the fine, he was committed to jail. On petition of the Judge and the complaining witness, he was discharged, after twenty days' confinement.

OLE THORESEN—plead guilty of larceny, in Iowa County, and sentenced to one and a half years in State Prison, was pardoned one day before his term expired, to restore his civil rights, having shown himself to deserve it.

JOHN MIRES—was arrested in January, 1859, for larceny, and committed to jail to await trial. After being confined nearly eight months, he was tried and convicted, and sentenced to jail for three months. He was pardoned on the representations of the Circuit Judge, the County Judge of Dunn county, and other citizens, on the ground of sufficient punishment.

JACOB BEHM—plead guilty, in Dane County Circuit Court, on two indictments for larceny, and was sentenced to one year of imprisonment on each, in the State Prison. He had served one of the terms, and six months of the other, when, an application being made by many citizens for his discharge, cordially concurred in by Judge Collins, who tried the case, I issued a pardon.

SAMUEL MCPHERSON, (colored,)—was convicted in Milwaukee county, in May, 1855, at the same time as Walter Blake, above named, and sentenced to five years to the State Prison. He had always acknowledged his guilt, and had behaved himself in a most exemplary manner while in prison, being represented by the officers as one of the most faithful and useful of the convicts in all the duties assigned him. He was pardoned after the expiration of four and half years of his term, as well deserving of a discharge.

JAMES H. WOOLSEY—was convicted of larceny in Dane county, in April, 1857, and sent to State Prison for three years. Application was made for his pardon and strongly urged in the summer of 1858, but the case presented, did not at that time, seem to warrant his discharge. On a renewed application by the wife of the prisoner, who brought petitions numerously signed, with requests and representations by the Circuit Judge, and others from the county of his residence, I issued the pardon, after about two years and nine months of his imprisonment.

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THOMAS RYAN—was convicted of arson in Milwaukee, in July, 1857, and sentenced to State Prison for seven years. He was convicted on circumstantial evidence alone, and had from the first maintained his innocence. His conduct in prison had been exemplary, so much so, that the late State Prison Commissioner, being about to remove from the State, wished to take Ryan and keep him in his employ, regarding him as unjustly convicted. The Circuit Judge and Mayor of Milwaukee joining in the application, I issued the pardon.

BILLS PASSED.

On motion of Sen. Sweat, the rules were suspended, and the following bills read a third time and passed:

No. 1, S., a bill for an act to legalize the official acts of Edward O'Hare, as Justice of the Peace in the county of Dane;

No. 2, S., a bill for an act to legalize the official acts of Samuel Lattemore, as Justice of the Peace in the county of Dane;

No. 3, S., a bill for an act to legalize the official acts of August P. Erbe, as Justice of the Peace in the county of Dane;

No. 4, S., a bill for an act to legalize the official acts of Peter Haroldson, as Justice of the Peace in the county of Dane;

No. 5, S., a bill for an act to legalize the official acts of Isaac C. Steele, as Justice of the Peace in the county of Dane.

On motion of Sen. Washburn,
The Senate adjourned.

TUESDAY, JANUARY 17, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Roll of Senators called, and the absentee was
Senator Hanchett.

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On motion Sen. Rodolph,
The reading of the Journal of yesterday was dispensed with.

ACCOUNTS,

Presented and referred.

By Sen. Sweat:
Account of Wakeley & Tenney;
Referred to Judiciary Committee.

RESOLUTIONS,

Introduced and considered.

By Sen. Rodolph:

Res. No. 14, S.,

Resolved, That the Superintendent of Public Property be directed to furnish the President of the Senate one copy of the Revised Statutes, two copies of the Private and General Laws and one copy of the Journals of the last session.

Sen. Stewart offered the following as a substitute:

Resolved, That the Secretary of State be and he is hereby directed to furnish the Lieut. Governor, Chief Clerk and Sergeant-at-Arms, each with a copy of the Revised Statutes, Laws and Journal of Senate and Assembly of 1859.

To which Senator Simpson offered an amendment, by adding the following words: "and Reporters of the Senate."

Which was adopted.

The substitute, as amended, was then adopted.

BILLS INTRODUCED ON LEAVE.

By Senator Burdick:

No. 22, S., a bill for an act to amend chapter thirteen of the Revised Statutes, entitled "of Counties and County Officers."

Referred to Judiciary Committee.

Also,

No. 23, S., a bill concerning judgments in certain cases;

Referred to Judiciary Committee.

By Senator Hutchinson:

No. 24, S., a bill for an act to appropriate to James W. Polleys, late Sheriff of La Crosse County, the sum of money therein named;

Referred to Committee on Claims.

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Also,

No. 25, S., a bill for an act to repeal chapter 114, of General Laws of 1859, conferring civil jurisdiction on the County Court of Crawford County;

Referred to Judiciary Committee.

By Senator Hutchinson:

No. 26, S., a bill for an act to appropriate to James Fisher, Sheriff of Crawford County, the sum of money therein named;

Referred to Committee on Claims.

Senator A. I. Bennett gave the following notice:

I give notice that I will on to-morrow or some subsequent day of the present session, propose to so amend the Joint Rules as to prohibit the amending of bills or resolutions by substitute, other than by preserving the enacting and resolving clause.

REPORTS OF COMMITTEES.

Senator Burdick made the following report:

The Joint Committee on Claims have had under consideration bill

No. 7, S., a bill for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment therefor:

Report the said bill back with a substitute and recommend the passage of the substitute.

Z. P. BURDICK, *Ch'n.*

Referred to General File.

Senators Geo. Bennett and Bartlett, made the following report:

The Committee on Enrolled Bills, report that they have examined bill

No. 6, S., and find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*
O. F. BARTLETT.

Sen. A. I. Bennett

Moved to suspend the rules in order to pass

No. 7, S.;

Which was lost.

On motion of Sen. Worthington,

The Senate went into Committee of the Whole on the General File;

Sen. Worthington in the chair, and

After sometime spent therein, the Committee rose, reported progress and asked leave to sit again.

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REPORT

Of Committee of the Whole:

No. 27, A., a bill for an act to amend chapter 185 of the General Laws of 1859, being an act entitled an act to construe chapter 20 of the Revised Statutes, entitled "of regulating fences;"

With the recommendation that it do pass.

BILLS CONSIDERED IN COMMITTEE OF WHOLE.

The following bills were ordered to a third reading:

No. 27, A., a bill for an act to amend Chapter 185 of the General Laws of 1859, being an act entitled, an act to construe Chapter 20 of the Revised Statutes, entitled, "of regulating fences."

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:—

I am directed to present for your signature,

No. 6, S., an act in relation to the assessment, levy, and collection of taxes in the county of Sheboygan, for the year 1859.

Which has been signed by the Speaker.

The Assembly has concurred in the passage of

Joint Resolution No. 3, S., authorizing Secretary of State to furnish copies of Laws to county of Sheboygan.

BILLS PASSED.

On motion of Senator Hanchett,

No. 15. S., a bill for an act relative to the printing of public documents,

Was read the third time and passed.

On motion of Senator Rodolf,

The Senate adjourned.

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WEDNESDAY, JANUARY 18, 10 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Roll called.
Senators all present.
On motion of Senator Hutchinson,
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Senator Sweat:

Mem. No. 6, S., memorial of Alexander Stillwell and 400 others for a modification of the present system of county government;

To committee on Town and County Organization.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator A. I. Bennett:

J. Res. No. 4, S.,

Resolved, by the Senate, the Assembly concurring, That the following be added to the joint standing rules of the Senate and Assembly:

RULE 25. No bill or joint resolution shall be amended by substitute in such manner as to dispense with the enacting or resolving clause of the original.

Adopted.

By Senator Stewart:

Res. No. 15, S.,

Resolved, That the Secretary of State be requested to furnish a statement of the amount allowed from the State to the State Historical Society, including permanent appropriations, salaries, postage, printing, stationery, and all other items since its organization, with a separate statement of the same for the year 1859;

Resolution adopted.

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By Senator Bartlett:

Res. No. 16, S.,

Resolved, That this Senate will take no newspapers, either for itself or officers, during this session, at the expense of the state, and that no member of this body will regard himself responsible for payment for any newspaper from and after the passage of this resolution, unless such newspaper be expressly ordered by the member to whom sent;

Lies over.

By Senator Worthington:

Res. No. 17, S.,

Resolved, That the committee on Benevolent Institutions are hereby instructed to inquire and report to this Senate at an early day, what amount of money has been expended upon the State Hospital for the Insane, how such money has been expended, the present condition of the establishment, the amount of money necessary to its completion, the time when it may be ready for occupation, what number of patients it can accommodate when completed, whether the plan adopted and pursued is in accordance with the organic law, and if not, by what authority the law has been departed from; and any other facts relating to said institution or its management as may be important to the legislature;

Resolution adopted.

BILLS INTRODUCED ON LEAVE.

Read first and second time and referred.

By Senator Gill:

No. 27, S., a bill for an act to amend section 26, of chapter 139, of the Revised Statutes, entitled, "of appeals and writs of error and proceedings therein;"

To Judiciary committee.

By Senator Ferguson:

No. 28, S., a bill for an act to repeal chapter 134, Session Laws of 1858, entitled "an act concerning testimony," approved May 17th, 1858;

To Judiciary Committee.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that they, on the 17th inst., presented to the Governor for his approval,

No. 6, S., "an act in relation, to the assessment, levy and

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collection of taxes in the county of Sheboygan, for the year 1859."

GEO. BENNETT, *Sen. Com.*,
C. MILLER, *Ass. Com.*

The committee on Agriculture, to whom was referred
Bill No. 13, S.,
Have considered the same, and instructed me to report the same back, and recommend its passage.

E. D. MASTERS, *Ch'n.*.

The joint standing committee on Printing have had under consideration sundry resolutions relating to the printing of the Governor's Message in pamphlet form, and have instructed me to report that they have agreed to recommend the passage of a joint resolution ordering the printing of

3,000 copies in the English language;
2,000 copies in the German language;
1,500 copies in the Norwegian language;
1,000 copies in the Dutch language;
1,000 copies in the Welch language.

And that said joint resolution will be introduced in the Assembly.

CURTIS, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred,

No. 16, S., entitled, a bill for an act to amend section 59, of chapter 28 of the Revised Statutes, entitled "of school and university lands;"

Have had the same under consideration, and directed me to report the same back with the recommendation that it be indefinitely postponed.

They have also had under consideration,

No. 17, S., entitled, a bill for an act to remit certain penalties imposed by section 59, of chapter 28, of Revised Statutes, entitled, "of school and university lands;"

And directed me to report the same back with a substitute, and recommend the passage of the substitue.

HUTCHINSON, *Ch'n.*

The committee on the Judiciary to whom were referred

No. 8, S., entitled, a bill to amend chapter 133 of the Revised Statutes, entitled, "of costs and fees;"

Have had the same under consideration, and herewith report the same back to the Senate, with amendment, and recommend that it pass as amended.

Also,

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No. 9, S., a bill to amend chapter 22, of the general laws of 1859, entitled, "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19th, 1859;

And herewith report the same back without recommendation.

Also,

No. 14, S., a bill for an act to repeal chapter 155, of the general laws of 1858, entitled, "an act providing for the appointment of a Comptroller, and prescribing his duties;"

And herewith report the same back with the recommendation that it be indefinitely postponed.

Also,

No. 21, S., a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit;"

Which is herewith reported back with amendment, and the recommendation that it pass as amended.

HANCHETT, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT :—

I am directed to inform you that the Assembly has passed

J. Res. No. 7, A.,

Resolved, by the Assembly, the Senate concurring, That the committee on State Prison, of the Senate and Assembly, be authorized and instructed to visit the State Prison and House of Refuge, examine their condition and the accounts of the commissioners, and report upon the same at an early day.

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has passed

No. 22, A., a bill for an act to legalize the organization of joint school district No. 2, in the towns of Adrian and Tomah, in the county of Monroe.

Also,

No. 23, A., a bill for an act to provide for the holding of special terms of the Circuit Court for the counties of Ozaukee and Washington;

And asks the concurrence of the Senate in the same.

BILLS PASSED.

No. 27, A., a bill for an act to amend chap. 185 of the General laws of 1859, being an act entitled an act to construe chap. 20 of the Revised Statutes, entitled "of regulating fences;"

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Read a third time and passed.

On motion of Sen. A. I. Bennett,

The Senate went into

COMMITTEE OF THE WHOLE,

On the general file;

Sen. Washburn in the Chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further report back the following bills with the several recommendations accompanying the same:

Bill No. 7, S., a bill for an act to provide for furnishing members of the Legislatures with newspapers and payment thereof.

With substitute, with recommendation that they lie on the table.

Bill No. 21, S., a bill or an act to prescribe the time for holding courts in the Third Judicial Circuit;

With amendments.

Bill No. 14, S., a bill for an act to repeal chap. 155 of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller, and prescribing his duties;"

Recommended to pass.

Bill No. 9, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

Recommended to pass.

Bill No. 8, S., a bill for an act to amend chapter 133, of the Revised Statutes, entitled of costs and fees;"

With amendment;

Recommended to pass, when so amended.

Bill No. 13, S., a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society, the annual appropriation for the year 1859;

Recommended to be referred to committee on Claims.

REPORT,

Of the committee of the whole taken up.

The amendment to

No. 21, S., was adopted, and

On motion of Sen. Maxon,

No. 21, S., was postponed till to-morrow.

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Sen. Hanchett moved to lay on the table,
No. 14, S.,
The ayes and noes were called for,
And the motion prevailed, ayes 16, noes 14:
Those who voted in the affirmative were,
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Masters Phillips, Seeley, Simpson, Stewart, Virgin, and Washburn—16.
Those who voted in the negative were,
Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Sweat, Taylor, Thurbur, Worthington—14.
No. 9, S., was ordered engrossed for a third reading;
The amendment to No. 8, S., was concurred in, and
Said bill ordered engrossed for a third reading;
No. 13, S., was
Referred to committee on Claims.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:

I am directed to inform you that the Assembly has concurred in the passage of

No. 1, S., a bill for an act to legalize the official acts of Edward O'Hare, as justice of the peace in the county of Dane;

No. 2, S., a bill for an act to legalize the official acts of Samuel Lattimore, as justice of the peace in the county of Dane;

No. 3, S., a bill for an act to legalize the official acts of August P. Erbe, as justice of the peace in the county of Dane;

No. 4, S., a bill for an act to legalize the official acts of Peter Haroldson, as justice of the peace in the county of Dane;

And,

No. 5, S., a bill for an act to legalize the official acts of Isaac C. Steele, as justice of the peace in the county of Dane.

On motion of Senator Worthington,
The Senate adjourned.

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THURSDAY, JANUARY 19, 10 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Walters.
Roll called, and the absentee was
Senator Ferguson.
On motion of Senator Virgin,
The reading of the journal of yesterday was dispensed with.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Rodolf:
Res. No. 18, S.,
Resolved, That the Senate Chamber be tendered to Gen. E. Welter this evening at 7 o'clock, P. M., to lecture on the first Mexican War, and our present relations with Mexico;
Adopted.

By Senator Phillips:
Res. No. 19, S.
Resolved, That the Secretary of State be requested to communicate to the Senate what railroad companies in this State, if any, have complied with the provisions of the law, as contained in chapter seventy-nine (79) of the Revised Statutes;
Adopted.

By Senator Hotchkiss:
Resolved, That the Senate members of the joint committee on Printing, be empowered to consider and report upon all matters relating to the business of the Senate, which may hereafter be referred to them;
Adopted.

By Sen. Hotchkiss:
Res. No. 21, S,
Resolved, That the Senate members of the joint committee on Printing, be empowered to consider and report upon all matters relating only to the business of the Senate, which may hereafter be referred to them;
Adopted.

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RESOLUTIONS CONSIDERED.

Res. No. 18, S,

Relative to newspapers for the Senate,

Introduced by Sen. Bartlett yesterday.

Sen. Gill moved to amend by adding, "and that no postage stamps, stationery or other articles of value be furnished Senators at the expense of the State, nor persons employed to wait upon them at the expense of the State."

Sen. Seeley moved to lay the amendment on the table.

The ayes and noes were called for, and the motion prevailed.

Ayes 16, noes 13.

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Davis, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Sweat, Taylor, Thurbur and Washburn—16.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Decker, Eagan, Furguson, Fratt, Masters, Simpson, Stewart, Virgin and Worthington—13.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Maxon:

No. 29, S, a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

To committee on Claims.

By Sen. Virgin:

No. 30, S, a bill for an act to provide for the service of process on non-resident defendants in certain cases;

To Judiciary committee.

By Sen. Seeley:

No. 31, S, a bill for an act to amend chapter 5, of the Revised Statutes, entitled "of the public printing and of the publication and distribution of statutes and other public documents;"

To committee on Printing.

By Sen. Hutchinson:

No. 32, S, a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La Crosse;

To committee on Public Lands.

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By Sen. Hutchinson:

No. 33, S, a bill for an act to provide for auditing the accounts of sheriffs for conveying State prisoners;

To Judiciary committee.

By Sen. Hanchett:

No. 34, S, a bill for an act to authorize the service of process by publication in certain cases;

To Judiciary committee.

By Sen. Cox:

No. 35, S, a bill for an act to amend chapter 191 of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas;"

To Judiciary committee.

By Sen. Taylor:

No. 36, S, a bill for an act providing for the grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, of the Revised Statutes;

To Judiciary committee.

By Sen. Taylor:

No. 37, S, a bill for an act to amend section 10, of chapter 52, of the General Laws of 1859; entitled "an act relating to the Dane county court;"

To Judiciary committee.

By Sen. Taylor:

No. 38, S, a bill for an act to authorize the Bank of Oconto, the Tradesman's Bank, the St. Croix River Bank, the Oakwood Bank and the Chippewa Bank, to reduce their capital;

Referred to committee on Banks and Banking.

REPORTS OF COMMITTEES.

The committee on Claims, to whom was referred the account of James Fisher; and,

No. 26, S, an act to appropriate to James Fisher the sum of $75;

Report the same back and recommend that said bill do pass.

The same committee also report the account of James W. Polleys; and bill

No. 24, S, an act to appropriate to James W. Polleys, the sum of $240 50;

Report the same back and recommend that said bill do pass.

The same committee also report back

Bill No. 10, S, an act to permanently fix the compensation of the officers and employees of the Legislature,

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And recommend that said bill do pass.

The same committee also report back

Acc. No. 3, S, the bill of James M. Maughs, for one day's service in attendance as a witness before the committee appointed to investigate into the conduct and acts of certain members of the Legislatnre of 1856 and 1857, and 231 miles travel,

And recommend that it be disallowed, as he has his remedy elsewhere; and, in any event, is not a proper subject for this committee to act upon.

The same committee also report the accounts

Acc. No. 2, S, of the Wisconsin Telegraph Company for reports and messages for Bank Comptroller, and

Acc. No. 1, S, of D. A. Reed, for expenses incurred in subpœnaing O. C. Howe, before the Assembly, 1858, by

Bill No. 40, S, a bill for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13;

Bill No. 39, S, a bill for an act to appropriate to D. A. Reed the sum of $8;

And recommend that said bills do pass.

Z. P. BURDICK, *Ch'n.*

Said Bills No. 39, S, and 40, S,

Were read first and second times,

And referred to general file.

The committee on Engrossed Bills report that they have examined and compared

No. 8, S, a bill to amend chapter 133, of the Revised Statutes, entitled "of costs and fees;

Also,

No. 9, S, a bill to amend chapter 22, of the General Laws of 1857, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19, 1859;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n,*
R. H. HOTCHKISS.

The committee on Judiciary, who were instructed by resolution No. 13, S, to inquire into the expediency of abolishing the grand jury system, have directed me to report the accompanying Joint Resolutions, for the consideration of the Senate and Assembly.

L. HANCHETT, *Ch'n.*

J. Res. No. 5, S,

Resolved, by the Senate, the Assembly concurring, That it is hereby proposed to amend section eight, of article one, of the

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Constitution of this State, so that said section will read as follows:

"The legislature may prescribe the mode of bringing offenders to justice, either with or without the presentment or indictment of a grand jury, but no person, for the same offence, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident, and the presumption is great, and the privilege of the writ of *Habeas Corpus* shall not be suspended, except when iu cases of rebellion or invasion, the public safety may require."

Resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election, and that the same shall be published under the direction of the Secretary of State, in such newspaper or newspapers, as he may deem proper, at least three months previous to the time of holding such election.

MESSAGES,

And other executive communications:

MADISON, Jan., 1860.

Honorable Sir:—With many obligations I acknowledge the receipt of your courteous note of 16th inst., inviting me to open the morning sessions of the Senate with prayer, on those days determined by the Rev'd. Clergy of Madison.

I wish to express through you, Hon. Sir, to the Senate, my appreciation of the honor conferred upon me; but at the same time, to respectfully decline acting in a *clerical capacity* before any public institution of the State of Wisconsin, or of the United States.

With all due respect to so august a body as the Senate of Wisconsin, I trust I shall not be considered as trespassing on their dignity by giving my reasons for my non-acceptance of their polite invitation.

I have always been convinced of the fact that neither the Federal nor the State constitution gives any authority to introduce (*or rather intrude!*) religious exercises of any kind, whatsoever, into our legislative halls, or other public institutions —by "other public institutions," I mean our public schools and universities.

Whether this my conviction be established in fact or not, I hope it will be regarded by the Senate as a sufficient apology on my part for declining the honors offered me—I act on principle!

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I return you, Hon. Sir, my most sincere thanks for your courteous letter, and request that the reasons for my non-compliance may be made known to the Senate, together with an expression of my sincere thanks.

With the highest consideration,

I am, &c., &c.,

Yours truly,

JOHN W. NORRIS, D. D.,

Pastor of St. Raphael's Catholic Congregation,

Madison, Wis.

To Hon. BUTLER G. NOBLE,

Lt. Governor and President Senate, Madison.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 16, A, a bill for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit;

Also,

No. 5, A, a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and conveyance and redemption thereof;"

Also,

No. 21, A, a bill for an act to amend section 217, in chapter 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

Also,

No. 43, A, a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled "an act to authorize the judge of the Sixth Judicial District to appoint a place for holding the circuit court, in the county of Buffalo;

And asks the concurrence of the Senate in the same.

MESSAGE FROM THE ASSEMBLY CONSIDERED.

On motion of Senator Hutchinson,

The rules were suspended in order to pass

No. 22, A, a bill for an act to legalize the organization of joint school district No. 2, in the towns of Adrian and Tomah, in the county of Monroe; and

No. 23, A, a bill for an act to provide for the holding of

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special terms of the circuit court for the counties of Ozaukee and Washington;

Said bills No. 22, A, and No. 23, A,

Were then ordered to a third reading, passed, and title agreed to.

J. Res. No. 7, A,

Resolved, by the Assembly, the Senate concurring, That he committee on State Prison, of the Senate and Assembly, be authorized and instructed to visit the State Prison and House of Refuge, examine their condition and the accounts of the Commissioners, and report upon the same at an early day.

To which

Senator Stewart offered the following amendment:

That the resolution be so amended as to direct the chairmen of the committees, instead of the committees in full, to make the said visits; and to add thereto, that the said visiting committee be instructed to inquire particularly into the accounts and expenditures made by the Commissioners of said institutions, and the way and manner said expenditures have been made.

To which Sen. Worthington offered the following amendment to be inserted in the proper place:

"Two on the part of the Assembly, and one on the part of the Senate;"

On motion of Sen. Virgin,

The resolution with its amendments was referred to the committee on Benevolent Institutions.

REPORT OF COMMITTEES.

The committee on Benevolent Institutions, to whom was referred

J. Res. No. 7, A,

Have had the same under consideration, report back with one amendment, to-wit: strike out all after the resolving clause, and insert:

"That a portion of the committees on State Prison, consisting of two on the part of the Senate and three on the part of the Assembly, to be designated by said committees, be authorized to visit the State Prison and State Reform School, to examine critically into their general condition and investigate the accounts of the commissioners, and report at an early period;"

On motion of Sen. A. I. Bennett,

The amendment was adopted.

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BILLS ON THIRD READING.

No. 9, S, a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19th, 1859, concerning fees of advertising;

Sen. Curtis moved that the bill be indefinitely postponed,

Sen. Rodolf called for the ayes and noes, and

The motion was lost by the following vote:

Those who voted in the affirmative were

Senators Cox, Curtis, Decker, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Seeley and Sweat—11.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Eagan, Ferguson, Fratt, Hilgen, Maxon, Rodolf, Simpson, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—19.

On the passage of the bill the ayes and noes were called for and were

Ayes 18, noes 11.

Those who voted in the affimative were

Senators Bartlett, A. I. Bennet, G. Bennett, Burdick, Comstock, Davis, Eagan, Ferguson, Fratt, Hilgen, Maxon, Rodolf, Simpson, Stewart, Taylor, Virgin, Washburn and Worthington—18.

Those who voted in the negative were

Senators Cox, Curtis, Decker, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Sweat and Thurbur—11.

Bill passed and title agreed to.

Bill No. 8, S, a bill for an act to amend chapter 133, of the Revised Statutes, entitled "costs and fees;"

Passed and title agreed to.

BILLS REPORTED BY COM. OF THE WHOLE.

No. 7, S, a bill for an act to provide for furnishing members of the Legislature with newspapers, and the payment thereof:

With substitutes;

On the question of concurrence with the recommendation of the committee of the Whole, the ayes and noes were called for, and

The Senate refused to concur—ayes 11, noes 18.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Fratt, Gill, Hilgen, Maxon, Simpson, Stewart and Worthington—11.

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Those who voted in the negative, were

Senators Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Sweat, Taylor, Thurbur, Virgin and Washburn—18.

Senator Virgin moved the adoption of substitute No. 2, reported by the committee on Claims.

Ayes and noes were called for, and the motion prevailed—ayes 18, noes 11.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Gill, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Taylor, Virgin, and Washburn—18.

Those who voted in the negative were

Senators Bartlett, Decker, Eagan, Fratt, Hilgen, Hotchkiss, Maxon, Simpson, Sweat, Thurbur, and Worthington—11.

On the question of engrossing and ordering to a third reading, ayes and noes were called for;

Ayes 17, noes 12.

Those who voted in the affirmative were

Senators G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Gill, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—17.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Decker, Eagan, Fratt, Hilgen, Hotchkiss, Maxon, Simpson, Sweat, Thurbur and Worthington—12.

Carried.

On motion of Sen. Maxon,

Senate adjourned.

FRIDAY, JANUARY 20, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Britton.

Roll of Senators called, and the absentee was

Senator Hilgen.

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On motion Sen. Thurber,

The reading of the Journal of yesterday was dispensed with.

Sen. Maxon, asked leave of absence for Sen. Hilgen, till Tuesday next;

Granted.

Sen. Ferguson, asked leave of absence for Sen. Hotchkiss, till Tuesday next;

Granted.

Sen. Washburn, asked leave of absence till Wednesday next;

Granted.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Sen. Fratt:

No. 7, S, memorial and petitions of the citizens of Racine, and towns of Mount Pleasant and Orwell, to change the limits of the city of Racine;

To committee on Town and County Organization.

By Sen. Stewart:

No. 9, S, petition of S. W. Abbott and others, for the reduction of tax against Insurance Companies;

To committee on Finance.

By Sen. Curtis:

No. 9, S, memorial of the board of supervisors of Sauk county, in favor of the county commissioner system;

Committee on Town and County Organization.

ACCOUNTS PRESENTED AND REFERRED.

By Senator Simpson:

No. 8, account of Charles R. Gill;

To committee on Claims.

By Senator Sweat:

No. 9, account of W. P. Towers;

To committee on Claims.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Masters:

Res. No. 22, S.,

Resolved by the Senate, That the Superintendent of Public Property be instructed to deliver to the Assistant Sergeant-at-Arms, the usual outfit of stationery, and that the Sergeant at-Arms be and is hereby authorized to draw and disburse a reasonable amount of stationery to each of his under officers;

Adopted.

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By Senator Rodolf:
Res. No. 23, S.,
Resolved, That 500 copies of the communication of the Rev. John W. Norris, D. D., to the President of the Senate be printed for the use of the Senate;
Lies over.

RESOLUTIONS CONSIDERED.

J. Res. No. 5, S,
Relative to the expediency of abolishing the grand jury system;
Introduced yesterday by the Judiciary committee;
Sen. Hutchinson moved that the resolution lie over till next Wednesday;
Carried.

BILLS INTRODUCED ON LEAVE.

Read first and second time and referred.

By Sen. Sweat:
No. 41, S, a bill for an act to amend chapter 71 of the private and local laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin river, in the town of Prairie du Sac, Sauk county, and Black Earth, Dane county;
To committee on Roads, Bridges and Ferries.

By Sen. Fratt:
No. 42, S, a bill for an act to detach certain territory from the city of Racine, and to attach the same to the town of Mount Pleasant, in the county of Racine;
To committee on Town and County Organization.

By Sen. Stewart:
No. 43, S, a bill for an act to appropriate to Hiram Bowen, the sum of $50;
To committee on Claims.

By Sen. Curtiss:
No. 44, S, a bill for an act to authorize Ephriam Kingsbury, his successors and assigns, to eret and maintain a boom on the Wisconsin river, in Sauk county;
To committee on Incorporations.

By Sen. Thurber:
No. 45, S, a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"
To Judiciary committee.

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By Sen. Decker:

No. 46, S, a bill for an act to amend section 1, of chapter 129 of laws of a general nature of 1859, entitled "an act to amend section 1, of chapter 142, of laws of a general nature of 1858, entitled an act to amend an act entitled an to organize the county of Kewaunee, for judicial purposes;

To Judiciary Committee.

REPORTS OF COMMITTEES CONSIDERED.

Yesterday's report of committee on Claims in regard to the account of James W. Maughs, was considered;

Sen. Curtis, moved that the account be

Referred again to committee on Claims;

Lost.

Sen. Curtis moved to refer the account to a select committee of one;

Carried.

The President appointed Sen. Curtis said committee.

ASSEMBLY MESSAGE TAKEN UP.

Read first and second time, and referred.

No. 5, A, a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and conveyance and redemption thereof;

To Judiciary committee.

No. 21, A, a bill for an act to amend section 217, in chapter 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

To Judiciary committee.

No. 43, A, a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled "an act to authorize the judge of the sixth judicial district to appoint a place for holding the circuit court, in the county of Buffalo;

To Judiciary committee.

No. 16, A, a bill for an act to change the time of holding courts in the county of Richland, in the fifth judicial circu ;

Senator Rodolf moved that the bill be referred to a select committee of three. Carried.

President appointed Senators Rodolf, Worthington, and Hutchinson, such committee.

BILLS READY FOR THIRD READING.

No. 21, S, a bill for an act to prescribe the time for holding courts in the 3d judicial circuit.

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On motion of Senator Maxon,
The bill was laid over till to-morrow.

MESSAGES FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:

I am directed to present to you for your signature

No. 27, A, an act to amend chapter 185, of the General Laws of 1859, being an act entitled "an act to construe chapter 20 of the Revised Statutes, entitled 'of regulating fences,'"

Which has been signed by the Speaker.

Mr. President:

I am directed to inform you that the Assembly refuses to concur in

J. Res. No. 4, S,

Resolved, by the Senate, the Assembly concurring, That the following be added to the joint standing rules of the Senate and Assembly:

Rule 25th.—No bill or joint resolution shall be amended by substitute, in such manner as to dispense with the enacting, or resolving clause of the original.

Mr. President:

I am directed to inform you that the Assembly has passed,

No. 17, A, a bill for an act to enable foreign executors and administrators to sue in the State of Wisconsin;

No. 18, A, a bill for an act to amend section 58, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

No. 25, A, a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association, and continue the banking business;

No. 30, A, a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named;

No. 31, A, a bill for an act to amend subdivision 4, of section 38, of chapter 6, of the Revised Statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents;"

No. 34, A, a bill for an act to repeal certain portions of chapter 136, of the Revised Statutes, entitled "of writs and process;"

No. 37, A, a bill for an act in relation to the abatement and revivor of suits;

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No. 50, A, a bill to incorporate the Hanover Street Congregational Society;

No. 53, A, a bill for an act to amend an act, entitled an act to incorporated the Merchants Mutual Insurance Company of Milwaukee, and the several acts amendatory thereof;

No. 54, A, a bill for an act to amend section 31, of chapter 119, of the Revised Statutes, entitled "general provisions concerning courts of record, of the powers and duties of judges, and of attorneys, and officers of court;"

No. 56, A, a bill for an act to incorporate the Workmen's Relief Association of the city of Watertown;

No. 74, A, a bill for an act authorizing the county board of Douglas county, to lay out, establish and improve a road leading from Superior, through unsettled portions of the State, and to appropriate money therefor;

And asks the concurrence of the Senate in the same.

On motion of Sen. A. I. Bennett,

The Senate went into

COMMITTEE OF THE WHOLE,

On the general file;

Sen. A. I. Bennett in the chair:

After sometime spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills, report that upon this day they presented to the Governor for his approval, bill

No. 27, A, entitled an act to amend chapter 185, of the General Laws of 1859, being an act entitled an act to construe chapter 20, of the Revised Statutes, entitled "of regulating fences."

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

Sen. Davis moved that the Senate reconsider the vote by which bill

No. 9, S, was passed yesterday.

On motion of Sen. Hutchinson,

The Senate adjourned till 9 o'clock, to-morrow morning.

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SATURDAY, JANUARY 21, 10 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Roll of Senators called, and the absentees were,
Senators Burdick, Eagan, Sweat and Thurber.
Sen. Rodolph asked leave of absence for Sen. Eagan;
Granted.
On motion of Sen. Maxon,
Reading of the journal of yesterday was dispensed with.

PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Worthington:
No. 10, S, petition of L. B. Wright, in relation to fees for legal printing;
To committee on Printing.

By Sen. Hutchinson:
No. 11, S, petition of Wm. C. Rogers, in relation to fees for legal printing;
To committee on Printing.

By Sen. Davis:
No. 12, S, petition of R. B. Wentworth and others, in relation to fees for legal printing;
To committee on Printing.

By Sen. Davis:
No. 13, S, petition of John A. Brown and others in relation to fees for public printing;
To committee on Printing.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Curtis:
Res. No. 24, S.,
Resolved, That the State Printer be instructed to print hereafter only two hundred and forty (240) copies of bills for the Senate:
Withdrawn.

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Senator Curtis gave notice that on Monday next he would offer a resolution similar to Res. 24, S., for the amendment of Senate Rule No. 42, S;

Senator A. I. Bennett gave the following notice:

I give notice that I will, on Monday, or some subsequent day of the present session, propose to so amend the rules of the Senate, that no bills or resolutions shall be amended by substitute so as to set aside the enacting clause of the original.

RESOLUTIONS CONSIDERED.

Res. No. 23, S,

Resolved, That 500 copies of the communication of Rev. John W. Norris, D. D., to the Hon. Butler G. Noble, Lieut. Governor and President of the Senate, be printed for the use of the Senate;

Introduced yesterday;

Senator Virgin moved that the resolution be laid on the table;

Carried.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Senator Decker:

No. 47, S, a bill for an act to incorporate the Green Bay Gas Light Company;

To committee on Incorporations.

By Senator Curtis:

No. 48, S, a bill for an act to amend an act entitled an act to prevent the sale of unripe cranberries, approved March 17th, 1859.

To committee on Internal Improvements.

REPORTS OF COMMITTEES.

The committee on Claims, to whom was referred

No. 13, S, a bill for an act to authorize the Secretary of State to audit the "Manitowoc Agricultural Society," the annual appropriation for the year 1859;

Have had the same under consideration, and recommend that said bill do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Engrossed Bills report, that they have examined and compared substitute

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No. 7, S, entitled a bill for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and provide for the payment thereof, and find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on the Judiciary, to whom was referred

No. 25, S, entitled "an act to repeal chapter 114, General Laws of 1859, conferring civil jurisdiction on the county court of Crawford county;"

Also,

No. 33, S, entitled "an act to provide for auditing the accounts of sheriffs for conveying state prisonsrs;"

Also,

No. 37, S, "a bill to amend section 10, of chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"

Also,

No. 5, A, "a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for taxes, and the conveyance and redemption thereof;"

Have had said bills under consideration, and have instructed me to report the same back with the recommendation that they severally do pass.

The same committee have also had under consideration the the following bills:

No. 22, S, a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

Also,

No. 36, S, a bill for an act providing for grand and petit jurors, in this State, and to amend sections 3, 8 and 13 of chapter 118, of the Revised Statutes;

And,

No. 43, A, a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled "an act to authorize the judge of the sixth judicial district to appoint a place for holding the circuit court for the county of Buffalo;"

And herewith report the same back with amendments, recommending that they do severally pass, when so amended.

The same committee have also had under consideration:

No. 28, S, a bill for an act to repeal chapter 134, of the Session Laws of 1858, entitled "an act concerning testimony," approved May 17th, 1858;

And herewith report the same back with an amendment, recommending that it be indefinitely postponed.

Also,

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No. 5, S, the account of Wakeley & Tenney against the State of Wisconsin;

Which is herewith reported back, with the recommendation that it be referred to the committee on Claims.

The committee to whom was referred

No. 16, A, a bill for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit,

Report the same back, and recommend its passage.

RODOLPH, *Ch'n.*

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

No. 2, S, a bill for an act to legalize the official acts of Samuel Lattimore, as justice of the peace, in the county of Dane;

No. 3, S, for an act to legalize the acts of August B. Erbe, as justice of the peace, in the county of Dane;

No. 4, S, for an act to legalize the official acts of Peter Haroldson, as justice of the peace, in the county of Dane;

No. 5, S, for an act to legalize the official acts of Isaac C. Steele, as justice of the peace, in the county of Dane;

No. 1, S, for an act to legalize the official acts of Edward O'Hare, as justice of the peace, in the county of Dane.

GEO. BENNETT,
O. F. BARTLETT.

MESSAGES FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 3, A, a bill for an act to authorize the Sauk City Bank and the Wisconsin Bank of Madison, to reduce their capital;

No. 4, A, a bill for an act to authorize the Northern Bank to reduce its capital stock;

No. 8, A, a bill for an act to reduce the capital stock of the Bank of Oshkosh;

No. 10, A, a bill for an act to authorize the Forest City Bank and the Shawanaw Bank to reduce their capital;

No. 13, A, a bill for an act to amend an act entitled "an act to incorporate the Milwaukee and Beloit Railroad Company," approved March 29, 1855;

No. 61, A, bill for an act to amend chapter 40, of the Local Laws of 1859, entitled "an act to authorize the city of Milwaukee to assess water rents;

No. 72, A, a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

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No. 92, A, a bill for an act to appropriate to E. Martin the sum of $30 ;

No. 93, A, a bill for an act to appropriate to Hiram A. Stone the sum of $41 50 ;

No. 94, A, a bill for an act to appropriate to Benjamin Williams the sum of $50.

No. 95, A, a bill for an act to appropriate to Andrew Bishop the sum of $312 ;

No. 96, A, a bill for an act to appropriate to Grabriel Bouck the sum of $80 37 ;

No. 97, A, a bill for an act to appropriate to James W. Harvey the sum of $7 ;

No. 98, A, a bill for an act to appropriate to Samuel Klauber the sum of $392 56 ;

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, JANUARY 19, 1860.

To the Legislature:

I transmit herewith a report of the expenditures from the contingent fund for the past year. The vouchers for the same are on file, subject to the examination of your committees. Payments from the fund commenced from December 21, 1858, and have continued to this date. I beg leave to suggest that, if the Legislature shall deem it proper to continue the system of the past two years, of paying the persons employed about the capitol from the contingent fund entirely, instead of by appropriations direct to them, the appropriation for 1860 ought to be made soon, in order that these men, whose families are dependent upon their wages, may obtain their pay as they labor.

ALEX. W. RANDALL.

EXPENDITURES.

Voucher No.	*Name.*	*Item.*	*Amount.*
1	T. McHogan,	repairing stucco work,	$5 00
2	Muldoon & Crampton,	work on vault,	1 00
3	Holton's Express,	transportation,	50
4	A. McGovern,	brass work,	2 24
5	Bliss, Eberhard & Co.,	Revised Statutes, (interleaved,)	7 00
6	B. W. Suckow,	servises as Ass't Sup't Pub. Prop. from 21st Dec'r to Feb'y 20th,	145 68
7	W. Parks,	services in Superintendent's office,	97 50
8	S. E. Pearson,	services as carpenter,	140 50
9	Wm. H. Miller,	labor,	76 25

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Expenditures—continued.

Voucher No.	Name.	Item.	Amount.
10	John Keane,	do	70 75
11	Matthias Wick,	do	73 50
12	Michael Lynch,	do	70 75
13	John Ring,	do	70 75
14	John McFarland,	night watch,	76 25
15	Patrick Moran,	labor,	70 75
16	E. G. Garner,	night watch,	27 50
17	James Quin,	labor,	64 00
18	John Flood,	do	70 75
19	John Matthews,	do	64 00
20	Luke Lackey,	do	64 00
21	John Rea,	do	70 75
22	Hugh McGrath,	night watch,	48 75
23	Dominick Casey,	labor,	48 75
24	Wm Hoffman,	do	48 75
25	Henry Jungmann,	do	48 75
26	Patrick Nierny,	do	48 75
27	A. C. Randall,	messenger in Exec. office, 2 months,	122 00
28	Charles A. Spencer,	doorkeeper in Exec. office, 33 days,	33 00
29	Mil. & Miss. Railroad,	transportation,	95
30	Bliss, Eberhard & Co.,	framing views of Capitol,	17 00
31	Wm. Edgar,	mason work,	4 00
32	F. A. Scofield,	map for Treasurer's office,	3 00
33	A. A. McDonell,	lime and cleaning,	18 50
34	Colwell & Co.,	bill of sundries,	1 70
35	Wm. A. Mears,	crockery,	4 13
36	——— Briggs,	do	2 63
37	American Express Co.	transportation,	10 00
38	G. Bouck, Att'y Gen.,	expenses,	52 00
39	T. McHogan,	repairs to ceiling,	6 00
40	T. S. Nairn,	services in U. S. Surveyor General's office and expenses,	40 00
41	American Express Co.	transportation,	7 00
42	Patrick Nierny,	labor,	37 50
43	Patrick Moran,	do	37 50
44	Wm. Hoffman,	do	60 00
45	Henry Jungmann,	do	60 00
46	James Quin,	do	31 25
47	John Matthews,	do	31 25
48	Luke Lackey,	do	31 25
49	Dominick Casey,	do	60 00
50	John Flood,	do	37 50
51	Matthias Wick,	do	37 50
52	Michael Lynch,	do	37 50
53	John Keane,	do	37 50
54	John Rea,	do	37 50
55	John Ring,	do	37 50
56	Wm. H. Miller,	do	37 50
57	Hugh McGrath,	night watch,	37 50
58	John McFarland,	night watch,	37 50
59	Silas E. Pearson,	services as carpenter,	50 00
60	Wareham Parks,	do...in Superintendent's office,	75 00
61	B. W. Suckow,	Asst. Supt. of Public Property,	75 00
62	Charles A. Spencer,	doorkeeper in Executive office,	31 25
63	A. C. Randall,	messenger,	50 00
64	W. H. Watson,	preparing abstract of reports,	26 00
65	Moses Springer,	services as architect,	50 00

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Expenditures—continued.

Voucher No.	Name.	Item.	Amount.
66	Betsey Lynch,	cleaning offices,	5 75
67	Wm. H. Miller,	labor,	25 00
68	.do..do...do	washing,	10 00
69	O. C. Buck & Co	bookcase for Secretary of State,	25 00
70	Mil. & Miss. Railroad,	transportation,	4 75
71	C. K. Davis,	making out catalogue,	75 00
72	Hugh McGrath,	night watch,	13 75
73	Bank Comptroller,	for Banker's Magazine,	5 00
74	A. C. Randall,	expenses to and from Waupun,	16 00
75	Madison Gas Company,	bill of sundries,	7 02
76	L. Gennet,	repairing clocks,	6 00
77	C. H. Luce,	bill of lumber,	44 95
79	S. D. Carpenter,	publishing proclamation,	13 50
80	John Rae,	labor,	21 00
81	Muldoon & Crampton,	blacksmith work,	20 25
82	A. Elliott,	elm trees for park,	21 20
83	W. H. Watson,	expenses to and in Milwaukee	7 50
84	Bliss, Eberhard & Co.	map,	3 00
85	American Express Co.,	transportation,	5 00
86	A. Elliott,	elm trees for park,	38 80
87	Mil. & Miss. R. R. Co.	transportation,	3 23
88	Terence Kavanagh,	labor,	9 50
89	Thomas Hennessy,	do	11 00
90	Thomas Powers,	do	11 00
91	John Tuhey,	do	11 00
92	John Larsen,	do	11 00
93	Henry Beyler,	do	11 00
94	Andrew Johnson,	do	11 00
95	J. H. McFarland,	night watch,	50 00
96	E. G. Garner,	do	37 50
97	Michael O'Hara,	labor,	10 00
98	Silas E. Pearson,	services as carpenter,	70 00
99	John Ring,	labor and washing,	51 00
100	William Larson,	do	11 00
101	Patrick Moran,	do	40 00
102	Wm. H. Miller,	do	50 00
103	Andrew Peterson,	do	19 00
104	Michael Lynch,	do	40 00
105	Christopher Bernbeg,	do	11 00
106	Mathias Wick,	do	45 00
107	Ole Stevenson,	do	38 00
108	John Keane,	do	40 00
109	James McCann,	do	34 00
110	B. W. Suckow,	Asst. Supt. of Public Property	88 40
111	A. C. Randall,	messenger in Executive office	80 00
112	Christian Brewer,	labor,	10 00
113	Abdon L. Burke,	advanced on arrest of criminal,	100 00
114	Geo. W. Campbell,	storage,	25 00
115	John Matthews,	part payment for vault,	50 00
116	Alexander W. Randall,	expenses of trip to Washington on business of the State,	180 00
117	B. W. Suckow,	Asst. Supt. of Public Property,	66 67
118	S. E. Pearson,	services as carpenter,	52 00
119	Wm. H. Miller,	labor,	38 75
120	John Keane,	do	31 00
121	Mathias Wick,	do	34 88
122	Michael Lynch,	do	31 00

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Expenditures—continued.

Voucher No.	Name.	Item.	Amount.
123	John Ring,	labor,	31 00
124	Patrick Moran,	do.	31 00
125	Ole Stephenson,	do.	31 00
126	Andrew Peterson,	do.	31 00
127	James McCann,	do.	31 00
128	John H. McFarland,	night watch,	38 75
129	E. G. Garner,	do...do	38 75
130	Addison C. Randall,	messenger in Executive office,	62 00
131	S. D. Carpenter,	publishing proclamation,	33 30
132	Wright & Paine,	bill of sundries,	66 50
133	Am. Express Co.,	transportation,	3 75
134	D. Hall,	services in case of State *vs.* Rankin,	50 00
135	Mrs. Lynch,	cleaning rooms,	2 00
136	Matthews & Quinn,	balance of work on vault,	15 00
137	Matthews & Quinn,	lime,	2 00
138	Chas. D. Robinson,	expenses as Trustee of Insane Asylum,	47 00
139	Edward P. Allis,	do....do.....do	19 50
140	Gleason & Bro.,	bill of hardware,	119 03
141	Register Waukesha Co.	registering deeds,	
142	W. H. Watson,	expe'ses to Milwaukee on business of State,	8 50
143	Mil. & Miss. R. R. Co.,	transportation,	2 70
144	Alex. W. Randall,	expenses of visit to La Crosse on public business,	45 00
145	B. W. Suckow,	Ass't Superintendent of Public Property,	66 67
146	Silas E. Pearson,	services as carpenter,	52 00
147	Wm. H. Miller,	labor,	37 50
148	John H. McFarland,	night watch,	37 50
149	E. G. Garner,	...do...do	37 50
150	John Keane,	labor,	30 00
151	Mathias Wick,	do	33 75
152	Michael Lynch,	do	30 00
153	John Ring,	do	30 00
154	Patrick Moran,	do	30 00
155	Ole Stephenson,	do	30 00
156	Andrew Peterson,	do	30 00
157	James McCann,	do	30 00
158	A. C. Randall,	messenger in Executive office,	60 00
159	Wis. Telegraph Co.,	despatches,	1 96
160	Am. Express Co.,	transportation,	50
161	Madison Gas Co.,	lime, &c.,	5 05
162	Am. Express Co.,	transportation,	1 88
163	Am. Express Co.,	do	25
164	Chas. S. Mears, Co.,	bill of lumber,	129 50
165	Moseley & Bro.,	framing picture,	2 00
166	W. P. Towers,	bill of painting, &c.,	55 70
167	W. S. Bonsall,	repairing roof,	7 00
168	Am. Express Co.,	transportation,	1 25
169	S. D. Carpenter,	publishing proclamation,	16 20
170	Muldoon & Crampton,	blacksmith work,	13 75
171	Wis. Telegraph Co.,	despatches,	5 66
172	S. H. Donnell,	plaster of Paris,	3 40
173	B. W. Suckow,	Ass't Supt. of Public Property,	66 67
174	Silas E. Pearson,	services as carpenter,	52 00
175	Wm. H. Miller,	labor,	38 75
176	John McFarland,	night watch,	38 75
177	E. G. Garner,	do...do	38 75
178	John Kean,	labor,	31 00

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Expenditures—continued.

Voucher No.	Name.	Item.	Amount.
179	Matthias Wick,	labor,	34 88
189	John Ring,	do	31 00
181	Patrick Moran,	do	31 00
182	Ole Stephenson,	do	31 00
183	Andrew Peterson,	do	31 00
184	James Quinn.	do	6 00
185	A. C. Randall,	messenger in Executive office,	62 00
186	Michael Lynch,	labor,	31 00
187	James McCann,	do	11 75
188	W. S. Bonsall,	work on roof,	5 00
189	T. McHogan,	work on ceiling of Assembly Hall,	116 60
190	C. A. Robinson,	cementing roof,	16 00
191	Orton & Hopkins,	legal services,	50 00
192	Wis. Telegraph Co.,	despatches,	2 32
193	Mil. & Miss. R. R. Co.,	transportation, &c.,	40 86
194	Edward M. McGraw,	expenses of attending Prison Inspectors' convention,	100 00
195	Thomas Stevens,	expenses of inspection,	15 00
196	B. W. Suckow,	Asst. Supt. of Public Property,	66 67
197	Silas E. Pearson,	services as carpenter,	54 00
198	John Keane,	labor,	31 00
199	John McFarland,	night-watch,	38 75
200	E. G. Garner,	do	38 75
201	Matthias Wick,	labor,	34 88
202	Michael Lynch,	do	31 00
203	John Ring,	do	31 00
204	Patrick Moran,	do	31 00
205	Andrew Peterson,	do	31 00
206	Ole Stephenson,	do	31 00
207	James Quinn,	do	31 00
208	Hugh McGrath,	do	20 00
209	A. C. Randall,	messenger in Executive office,	62 00
210	Patrick Moran,	washing,	14 00
211	Am. Express Co.,	transportation,	5 00
212	Betsey Lynch,	washing,	1 26
213	Chauncey Abbott,	services as Inspector of La Crosse & Milwaukee R. R. election,	50 00
215	Mil. & Miss. R. R. Co.,	transportation,	53 25
215	Wis. Telegraph Co.,	despatches,	1 30
216	B. W. Suckow,	Asst. Supt. of Public Property,	66 67
217	Silas E. Pearson,	services as carpenter,	52 00
218	John McFarland,	night-watch,	37 50
219	E. G. Garner,	do	37 50
220	John Keane,	labor,	30 00
221	Matthias Wick,	do	33 75
222	Michael Lynch,	do	30 00
223	John Ring,	do	30 00
224	Patrick Moran,	do	30 00
225	Ole Stephenson,	do	30 00
226	Andrew Peterson,	do	30 00
227	James Quinn,	do	30 00
228	Hugh McGrath,	do	30 00
229	A. C. Randall,	messenger in Executive office,	60 00
230	David Williams,	washing for Sec. State's office,	17 28
231	A. Burgess,	blinds,	18 17
232	L. H. Robertson,	work as carpenter,	10 50
233	J. C. Squires,	Banker's Magazine,	5 00

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Expenditures—continued.

Voucher No.	Name.	Item.	Amount.
234	Sharp & Oakley,	plastering, &c.,	49 13
235	Muldoon & Crampton,	blacksmith work,	43 73
236	Am. Express Co.,	transportation,	3 50
237	Mil. & Mil. R. R. Co.,	do	69 29
238	B. W. Suckow,	Asst. Supt. of Public Property,	66 67
239	Andrew Peterson,	labor,	31 00
240	Wis. Telegraph Co.,	despatch,	0 40
241	Hugh McGrath,	labor,	31 00
242	E. G. Garner,	night-watch,	38 75
243	Silas E. Pearson,	services as carpenter,	52 00
244	Patrick Moran,	labor,	31 00
245	Michael Lynch,	do	31 00
246	Matthias Wick,	do	34 88
247	John Keane,	do	31 00
248	John Ring,	do	31 00
249	Ole Stephenson,	do	31 00
250	James Quinn,	do	31 00
251	John McFarland,	night-watch,	38 75
252	S. D. Carpenter,	publishing proclamations,	23 90
253	James Campbell,	planing lumber,	2 80
254	Am. Express Co.,	transportation,	1 25
255	do	do	2 25
256	William Edgar,	work in vault,	1 00
257	Wis. Telegraph Co.,	despatches,	7 52
258	Mil. & Miss. R. R. Co.,	transportation,	22 94
259	J. D. Ruggles,	cash advanced Berliner & Bruno,	5 00
260	A. C. Randall,	messenger in Executive office,	62 00
260½	William Pyncheon,	bill of teaming,	52 25
261	A. W. Randall,	expenses of visit to Washington on business of the State,	200 00
262	Cook & Belden,	bill of sundries,	3 50
263	E. G. Garner,	night-watch,	37 50
264	B. W. Suckow,	Asst. Supt. of Public Property,	66 67
265	S. E. Pearson,	services as carpenter,	52 00
266	John McFarland,	night watch,	37 50
267	John Keane,	labor,	30 00
268	Matthias Wick,	do	33 75
269	Michael Lynch,	do	30 00
270	John Ring,	do	30 00
271	Patrick Moran,	do	30 00
272	Ole Stephenson,	do	30 00
273	Andrew Peterson,	do	30 00
274	James Quin,	do	30 00
275	Hugh McGrath,	do	30 00
276	T. McHogan,	work on ceiling,	5 00
277	Wm. Manning,	labor,	2 50
228	Edward Sheasby,	do	2 50
279	John Ring,	do	55 50
	Total expenditures,		$9,847 26
	Balance on hand,		200 52
			$10,047 78

CONTRA.

By balance from appropriation of 1858,	$45 38	
By appropriation of 1859,	10,000 00	
By cash for broken musket,	2 50	
		$10,047 78

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Senator Burdick moved to dispense with the reading of the Governor's Message;

Carried.

Referred to committee on Contingent Expenses.

MESSAGE FROM SECRETARY OF STATE.

STATE OF WISCONSIN—SECRETARY'S OFFICE,
MADISON, JANUARY 20, 1860.

HON. B. G. NOBLE,

Lieut. Governor and President of the Senate:

SIR:—I have the honor to acknowledge the receipt of the following Senate resolution:

Resolved, That the Secretary of State be requested to communicate to the Senate what railroad companies in this State, if any, have complied with the provisions of the law contained in chapter seventy-nine, (79) of the Revised Statutes;

And would state in reply, that *no* companies have, as yet, filed their reports for the year 1859, being allowed to the 15th of February, in each year. For reports of the year 1859, I beg leave to refer to Senate journal, 1859, page 693.

I have the honor to be, very respectfully,

Your obedient servant,

L. P. HARVEY,
Secretary of State.

ASSEMBLY MESSAGE TAKEN UP.

J. Res. No. 4, S,

Resolved by the Senate, the Assembly concurring, That the following be added to the joint standing rules of the Senate and Assembly:

Rule 25. No. bill or joint resolution shall be amended by substitute in such manner as to dispense with the enacting or resolving clause of the original;

Sen. Worthington moved that the consideration of the joint resolution be indefinitely postponed;

Motion withdrawn.

BILLS READ FIRST AND SECOND TIMES

And referred.

No. 17, A, a bill for an act to enable foreign executors and administrators to sue in the State of Wisconsin;

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No. 54, A, a bill for an act to amend section 81, of chapter 119 of Revised Statutes, entitled "general provisions concerning courts of record, of the powers and duties of judges, and of attorneys and officers of court;"

No. 34, A, a bill for an act to repeal certain portions of chapter 136, of the Revised Statutes, entitled "of writs and process;"

No. 37, A, a bill for an act in relation to the abatement and revivor of suits;"

No. 56, A, a bill for an act to incorporate the Workmen's Relief Association of the city of Watertown;

No. 53, A, a bill for an act to amend an act, entitled an act to incorporate the Merchants' Mutual Insurance Company of Milwaukee, and the several acts amendatory thereof;

Were severally referred to the Judiciary committee.

No. 18, A, a bill for an act to amend section 58, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

No. 74, A, a bill for an act authorizing the county board of Douglass county, to lay out, establish and improve a road leading from Superior, through unsettled portions of the State, and to appropriate money therefor;

No. 30, A, a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named:

Were severally referred to the Judiciary committee.

No. 50, A, a bill to incorporate the Hanover Street Congregational Society;

To committee on Incorporations.

No. 25, A, a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association and continue the banking business;

To committee on Banks and Banking.

No 31, A, a bill for an act to amend subdivision 4, of section 38, of chapter 6, of the Revised Statutes, entitled "of the public printing and of the publication and distribution of statutes and other public documents;"

To committee on Printing.

BILLS ON THEIR THIRD READING.

No. 7, S, a bill for an act to provide for furnishing members of the legislature with newspapers and the payment thereof;

Senator Burdick moved the indefinite postponement of the bill,

Senator Maxon moved that the bill be laid on the table;

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Ayes and noes were called for, and were ayes 12, noes 13;
Lost;
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, Burdick, Decker, Ferguson, Fratt, Maxon, Bodolf, Simpson, Stewart, Taylor, and Thurber—12.
Those who voted in the negative were
Senators G. Bennett, Comstock, Cox, Curtis, Davis, Gill, Hanchett, Hutchinson, Masters, Phillips, Seeley, Virgin and Worthington—13.
On the passage of the bill the ayes and noes were called for, and were, ayes 15, noes 11;
Carried;
Those who voted in the affirmative were
Senators G. Bennett, Comstock, Cox. Curtis, Davis, Gill, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Seeley, Virgin, Washburn and Worthington—15.
Those voting in the negative were
Senators Bartlett, A. I. Bennett, Burdick, Decker, Ferguson, Fratt, Maxon, Simpson, Stewart, Taylor and Thurber—11.
Title agreed to.

BILLS READY FOR A THIRD READING

No. 21, S, a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit;
Ordered engrossed.

On motion of Sen. Hanchett,
The Senate went into

COMMITTEE OF THE WHOLE,

On the general file;
Sen. Rodolf in the chair.
After sometime spent therein, the committee rose, reported that the had had under consideration,
Bill No. 11, S;
Had made some progress therein, and asked leave to sit again;
Leave was granted.

On motion of Sen. Rodolf,
The Senate adjourned till 3 o'clock, P. M., of Monday next.

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MONDAY, JANUARY 23, 3 o'clock, P. M.

Senate met.
Lieutenant Governor in the chair.
Roll called, and the absentees were
Senator Masters, Worthington and Rodolf.
On motion of Senator
The reading of the journal of Saturday was dispensed with.

PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Hutchinson:
No. 14, S, petition of Charles Shattle and 446 others, for removal of county seat of Buffalo county;
To committee on Town and County Organization.

By Sen. Seeley:
No. 15 S, remonstrance of Frank Hyde and others against reduction of printers fees;
To committee on Printing.

By Sen. Stewart:
No. 16, S, petition of Y. T. Lacey in relation to the reduction of printers fees;
To committee on Printing.

By Sen. Comstock:
No. 17, S, petition of Crownse and Thompson in relation to the reduction of printers fees;
To committee on Printing.

By Sen. Curtis:
No. 18, S, memorial of A. N. Kellogg in relation to the reduction of printer's fees;
To committee on Printing:

By Senator Bartlett:
No. 19, S, petition of Hotchkiss & Leland in relation to the reduction of printers' fees;
To committee on Printing.

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RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Maxon:

J. Res. No. 6, S,

Whereas, In consideration of recent events which have disturbed the public mind, and which have given just occasion for the expression of national sentiments becoming the principles and obligations of every State in the Federal Union:

Therefore, be it resolved by the Senate, the Assembly concurring, That the unchangeable Union of these United States is indispensable to the prosperity of each and all, and even to our continued existence as a civilized, enlightened nation, and that we solemnly pledge ourselves to uphold it, and faithfully carry out all the obligations and requirements of the Constitution.

Resolved, That we denounce, as worthy the most unqualified condemnation, every demonstration and every expression of public sentiment tending to extenuate or apologise for the conduct of the criminal actors in "the provoking riots at Harper's Ferry," and we hold those, in whatever party or profession, whose teaching and exhortation have manifestly tended to this great wrong, as fully responsible to the country for all its evil consequences.

Resolved, That "it is of infinite moment that we should properly estimate the immense value of our national union, to our collective and individual happiness—that we should cherish a cordial, habitual and immoveable attachment to it, accustoming ourselves to think and speak of it as the palladium of our political safety and prosperity, watching for its preservation with jealous anxiety, discontenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

BILLS INTRODUCED ON LEAVE.

Read first and second times and referred.

By Senator Virgin:

No. 49, S, a bill for an act to authorize payment to be made to the State Treasurer and to the several county and town Treasurers in the current bank bills of the banks of this State, in all cases;

To Judiciary committee.

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By Senator Bartlett:

No. 50, S, a bill for an act to legalize the assessment of taxes in the county of Walworth;

To Judiciary committee.

By Senator Geo. Bennett:

No. 51, S, a bill for an act to authorize the holding of a special term of the circuit court in the county of Kenosha.

Senator Bennett moved a suspension of the rules in order to pass No. 51, S.;

Carried.

The question occurring on the passage of the bill,

The bill passed and the title was agreed to;

By Senator A. I. Bennett:

No. 52, S, a bill for an act to extend the time for the collection of taxes in the city of Beloit;

To Judiciary committee.

By Senator Simpson:

No. 53, S, a bill for an act providing for the enclosing of rail roads by fences and cattle guards;

To committee on Railroads.

By Sen. Sweat:

No. 54, S, a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;

To committee on the Judiciary.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared

No. 24, S, entitled a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Town and County Organization, to whom was referred

No. 42, S, a bill for an act to detach certain territory from the city of Racine, and to attach the same to the town of Mount Pleasant, in the county of Racine;

Have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

N. H. VIRGIN, *Ch'n.*

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The committee on Incorporations to whom was referred:

No. 53, A, entitled "a bill for an act to amend an act entitled an act to incorporate the Merchant's Mutual Insurance Company of Milwaukee, and the several acts amendatory thereof;"

And,

No. 56, A, entitled "a bill for an act to incorporate the Workmen's Relief Association of the city of Watertown;

And,

No. 44, S, entitled "an act to authorize Ephriam Kingsbury, his successors and assigns, to erect and maintain a boom on the Wisconsin river, in Sauk county;"

Have considered the same, and instructed me to report the same back to the Senate, and recmomend their passage.

M. W. SEELY, *Ch'n.*

COMMUNICATION.

MADISON, Jan. 18th, 1860.

Hon. Dear Mr. President:

I am very thankful for your kindness of remembering me, and writing to me to pray at the opening of the sessions of the Legislature in the Senate; and I think myself very much honored by your letter. But reading the motions and oppositions that were made against that prayer, made by so many members of the Legislature, I think it better, in such circumstances, not to go to the Legislature to open the sessions by prayer, for I know now that there are so many against that unconstitutional and expensive custom. Please, therefore, have me excused for my not appearing to prayers in the Senate.

May the Lord guard you and all the honorable members of the Legislature from all evil; guide yourself and your country through all the dangers of life, and help you, by his grace, to promote the welfare and happiness of all that live within the limits of our State.

With the highest respect, yours,

MICHAEL HAIDER,
Catholic Minister.

Sen. I. A. Bennett moved that Mr. Haider be excused;

Sen. Maxon moved that Mr. Haider's communication be referred to the committee on Privileges and Elections;

Carried.

ASSEMBLY MESSAGES TAKEN UP.

Bills read first and second times and referred.

No. 3, A, a bill for an act to authorize the Sauk City

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Bank and the Wisconsin Bank of Madison, to reduce its capital;

No. 4, A, a bill for an act to authorize the Northern Bank to reduce its capital stock;

No. 8, A, a bill for an act to reduce the capital stock of the Bank of Oshkosh;

No. 10, A, a bill for an act to authorize the Forest City Bank and the Shawanaw Bank to reduce their capital;

Were referred

To committee on Banks and Banking.

No. 72, S, a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

To committee on Banks and Banking.

No. 13, A, a bill for an act to amend an act entitled "an act to incorporate the Milwaukee and Beloit Railroad Company," approved March 29, 1855;

To Committee on Railroads.

No. 61, A, a bill for an act to amend chapter 40, of the Local Laws of 1859, entitled, "an act to authorize the city of Milwaukee to assess water rents;"

To Judiciary committee.

No. 92, A, a bill for an act to appropriate to E. Martin the sum of $30.

No. 93, A. a bill for an act to appropriate to Hiram A. Stone the sum of $41 50;

No. 94, A, a bill for an act to appropriate to Benjamin Wiliams the sum of $50;

No. 95, A, a bill for an act to appropriate to Andrew Bishop the sum of $312;

No. 96, A, a bill for an act to appropriate to Gabriel Bouck the sum of $80 37.

No. 97, A, a bill for an act to appropriate to James W. Harvey the sum of $7;

No. 98, A, a bill for an act to appropriate to Samuel Klauber the sum of $392 56;

Which were severally referred to general file.

BILLS ON THIRD READING.

The following bill was read the third time, passed, and the title agreed to:

No. 21, S, a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit.

On motion of Senator A. I. Bennett,

The Senate went into

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THE COMMITTEE OF THE WHOLE,

On bill No. 11, S,
Senator A. I. Bennett in the chair.
After some time spent therein, the committee rose and reported back bill
No. 11, S, a bill for an act to amend chapter 167, of the General Laws, of 1859, entitled an act to amend chapter 15, of the Revised Statutes, entitled of the assessment and collection of taxes;
With the recommendation that it be referred
To the committee on Finance.
The Senate concurred in the recommendation of the committee.
On motion of Senator Virgin,
The Senate adjourned.

TUESDAY, JANUARY 24, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Peck.
Roll called, and the absentee was
Sen. Sweat.
On motion of Sen. Stewart,
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Decker:
No. 20, S, memorial of F. A. Ryan and others, in relation to the reduction of printer's fees;
To committee on Printing.

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By Sen. Phillips:

No. 21, S, petition of Nelson McNeal;

To the Legislature of Wisconsin:

The undersigned, Nelson McNeal, represents and shows, that on the 2d day of September, 1857, he entered into a contract with the State of Wisconsin, for building the Wisconsin State Hospital for the Insane: Your petitioner further represents, that on the 21st day of September, 1857, he commenced work upon said Hospital buildings, and proceeded with the same, with all due diligence, until June, 1858, during all which time he was compelled to receive from the Commissioners acting on the part of the State, their scrip, instead of money; that said scrip, so paid to him, amounted to about $13,000, on which he suffered a loss of more than $1,300; that about the 1st of June, 1858, at which time money applicable to the purposes of building the Hospital was first received into the State treasury, the said Commissioners, instead of paying to your petitioner such sums as from time became due him for work and materials done and furnished, in and about said work, insisted upon receiving the money from the State treasury, and disbursing the same in their own way, and under various pretenses retained from him the money so drawn from the State treasury, and when your petitioner had became greatly embarrassed and perplexed, and fearing that he might suffer still greater loss by refusing to yield to the demand of the Commissioners, he finally, after earnest protestation, reluctantly submitted that they should draw the money upon his order from the treasury, which they did, and paid the same out to men employed on the work, and for materials, assuming to act as the agents and disbursing clerks of your petitioner.

Your petitioner represents and states that he submitted to this course at the same time protesting against it, as improper and unjust, that his business transactions were thus virtually taken out of his own hands and control, and he found himself in the humiliating condition of an employee or hireling of said Commissioners, and at the same time he was made liable for all the bills of purchase, and expenses of said work, while the means of meeting such liabilities were withheld from him; that this humiliating and anomalous condition soon became known to all with whom he did business, and his affairs became constantly more entangled and he less able to extricate himself from the power of said Commissioners.

Your petitioner represents and states that the said commissioners did thus virtually deprive him of all control of his own business, and by various acts on their part assume the manage-

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ment and control of all his business as contractor; and that this course was pursued towards him until some time in the month of May, 1859, when the commissioners insisted that your petitioner should abandon even the nominal contol of his business and formally resign the work into their hands. Your petitioner did most strenuously object to this course, and insisted that he would and could finish and complete the said hospital as he had contracted to do, and within the time allowed.—The commissioners insisted that they would not pay or advance more money to your petitioner; and when he insisted that he would fulfill his contract, and save himself and sureties from all liability to the State, as an inducement to your petitioner to surrender the work into their hands, they assured your petitioner if he would comply with their request, they would make a full and fair representation of all the facts to the Legislature, and aid him in obtaining a fair compensation from the State. They admitted to your petitioner that they knew that he had put in a very large amount in money and material, and labored diligently upon said work, and had suffered great detriment and loss, all of which had gone to the benefit of the State—that if he would give up the work, they could and would render him important aid in obtaining compensation from the State.

Greatly embarassed by the course which the commissioners had taken, and partly induced by their fair promises, your petitioner was induced to send to the commissioners the letter of the 31st of May, 1859, found in their report, page 29. The construction placed upon this letter by the commissioners, your petitioner protests against, and insists that the commissioners wrongfully deprived him of his contract instead of paying him such sums of money as they ought to have done.

Under these circumstances, your petitioner was greatly surprised to learn that the Commissioners, in their report to the Governor and Legislature, are not only entirely oblivious of all their promises to your petitioner, but represent that he voluntarily abandoned the work, and that the State has a just claim against him and his sureties for $22,515 18. This may be all very well for the Commissioners, but bad for your petitioner, and he humbly submits that if the same man acts in the double capacity of commissioner and contractor, they ought at least, under the circumstances, to have given, ostensibly, a little more consideration to the man who for a considerable time occupied, nominally, the place of contractor.

Your petitioner submits that he has not been fairly treated by the Commissioners representing and acting for the State of Wisconsin; that he has been greatly prejudiced and suffered heavy losses thereby; that the drawings furnished by the Com-

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missioners were defective and unskillful; that by and under their direction, important changes were made in the building, both in the material and construction, not contemplated in the contract, and which have caused a very large extra outlay of money by your petitioner, and for which he has received no compensation.

Your petitioner further represents and states that he has expended, in and about the prosecution of his work on said Hospital, of his own private property, over and above all that he has received from the said Commissioners, or which they have hired on his account, the sum of sixteen thousand dollars, or thereabouts, and about two years of faithful and diligent labor and earnest care and attention on his part.

Your petitioner submits that inasmuch as he has been deprived of the means of performing his contract by those acting for the State, and inasmuch as he has expended a very large part of the earnings of his whole life, and two years of his time for the benefit of the State, that as a citizen, he has a right to appeal to the power representing the majesty and sovereignty of the State, to protect him from the wrong and save him from the threatened ruin. And this he does with full confidence that the State will do him justice when the facts in the case are fully understood.

He therefore asks that the matter may be referred to a suitable committee with power and directions to fully investigate the whole matter, and where your petitioner may be heard and permitted to make proof of such facts as shall be deemed important, the better to enable such committee to inform the Legislature in the premises. And that your Honorable body will grant to your petitioner such compensation and relief in the premises as shall be just and right.

And your petitioner will ever pray.

NELSON McNEAL.

Dated Madison, Jan. 23, 1860.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred.

By Senator Hanchett:

No. 55, S, a bill for an act to establish an official State paper;

To committee on State Affairs.

By Senator Taylor:

No. 51, S, a bill for an act to authorize the Mechanics' Bank, of Green Lake, to remove to Whitewater;

To committee on Banks and Banking.

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By Senator Cox :

No. 57, S, a bill for an act to authorize the city of Hudson to issue bonds ;

To Judiciary committee.

By Senator Stewart :

No. 58, S, a bill for an act to confer certain powers upon the trustees of the village of Monroe ;

To committee on Incorporations.

By Senator Phillips :

A bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled, rail roads and acts of a general nature ;

To committee on Railroads.

By Senator Sweat :

No. 60, S, a bill for an act to authorize "The Citizens Bank, Oshkosh," to remove to Black River Falls, Jackson county ;

To committee on Banks and Banking.

Sen. Curtis moved to amend No. 14 of the Senate Rules, by adding the following words :

"23. On Federal Relations ;"

Carried.

RESOLUTIONS OFFERED AND CONSIDERED.

By Sen. Davis :

No. 25, S,

Resolved, That H. W. Curtis, P. B. Simpson and O. F. Bartlett, are hereby constituted a committee on Federal Relations ;

Adopted.

J. Res. No. 6, S,

In relation to riots at Harper's Ferry,

Which was offered yesterday by Sen. Maxon,

Was considered, and

On motion of Sen. A. I. Bennett ;

It was referred to the committee on Federal Relations.

REPORTS OF COMMITTEES.

The committee on incorporations to whom was referred

No. 50, A, entitled "a bill to incorporate the Hanover Street Congregational Society ;"

Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

M. W. SEELEY, *Ch'n.*

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The *joint* committee on Enrolled Bills report that on this day *they* presented to the Governor for his approval, the following bills:

No. 2, S, for an act to legalize the official acts of Samuel Lattimore, as justice of the peace in the county of Dane.

No. 5, S, for an act to legalize the official acts of Isaac C. Steele, as justice of the peace in the county of Dane.

No. 4, S, for an act to legalize the official acts of Peter Haroldson, as justice of the peace in the county of Dane.

No. 3, S, for an act to legalize the official acts of August B. Erbe, as justice of the peace in the county of Dane.

No. 1, S, for an act to legalize the official acts of Edward O'Hare, a justice of the peace in the county of Dane.

No. 22, A, for an act to legalize the organization of joint school district No. 2, in the towns of Adrian and Tomah, in the county of Monroe.

No. 23, A, for an act to provide for the holding of special terms of the circuit court for the counties of Ozaukee and Washington.

GEO. BENNETT, *of Senate.*
C. MILLER, *of Assembly.*

BILL PASSED.

On motion of Sen. Curtis,

The rules were suspended in order to pass

No. 44, S, an act to authorize Ephraim Kingsbury, his successors and assigns, to erect and maintain a boom on the Wisconsin river, in Sauk county,

Was read a third time and passed,

And the title agreed to.

MESSAGE FROM THE SECRETARY OF STATE.

SECRETARY'S OFFICE,
MADISON, January 23, 1860.

Hon. BUTLER G. NOBLE,
Lieut. Gov. and President of the Senate:

SIR: I have the honor to acknowledge the receipt of the Senate resolution, as follows:

"*Resolved,* That the Secretary of State be requested to furnish a statement of the amount allowed from the State to the State Historical Society, including permanent appropriations, salaries, postage, printing, stationery, and all other items since its organization, with a separate statement of the same for the year 1859;"

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And would state, in reply, that the whole amount allowed from the State to the State Historical Society, since its organization to January 1, 1860, is twelve thousand six hundred and thirteen dollars and sixty-four cents ($12,613 64), in which amount is included the amount allowed for the year 1859, viz.: two thousand one hundred and five dollars and fifty cents ($2,105 50). I have not included in the amount allowed the Society, sundry bills for printing in foreign languages, and ordered by the Legislature for their own use, but have confined myself simply to sums allowed for the benefit of the Society. For this discrimination, I beg leave to refer to report of committee on State Affairs, in Assembly Journal, 1859, p. 577.

I have the honor to remain,

Very respectfully,

L. P. HARVEY,

Secretary of State.

Statement of Expenditures on account of the State Historical Society, from 1854 *to January* 1*st*, 1860:

Appropriations and salaries to Jan. 1, 1858,	$5,000 00	
Literary exchanges for the years 1854, 1855, 1856 and 1857, per Mons. Vattemare,	400 00	
Printing 2,000 copies of Third Annual Report, 1857,	1,881 92	
Binding and stationery do., and appropriated to Weed & Eberhard in 1857,	892 44	
Postage to Jan. 1st, 1858,	236 11	
		$8,410 47
Annual appropriation for the year 1858,	1,000 00	
Salary of Secretary for 1858,	1,000 00	
Postage for the year 1858,	97 67	
		$2,097 67
Annual appropriation for the year 1859,	1,000 00	
Salary of Secretary for 1859,	1,000 00	
Postage for the year 1859,	105 50	
		$2,105 50
		$12,613 64

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 9, A, a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business;

No. 28, A, a bill for an act to authorize the laying out of a

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State road from Eau Claire, in Eau Claire county, to Menomonee, in Dunn county;

No. 62, A, a bill for an act to amend section 33, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

No. 64, A, a bill for an act concerning the change of venue in criminal cases in courts of justices of the peace;

No. 112, A, a bill for an act to appropriate to William H. Foster, the sum of $80;

No. 113, A, a bill for an act to appropriate to Mosely & Brother, the sum of $604 18;

No. 114, A, a bill for an act to appropriate to T. N. Bovee, the sum of $27 45;

And asks the concurrence of the Senate in the same.

And I am further directed to present for your signature

No. 1, S, an act to legalize the official acts of Edward O'Hare, as justice of the peace in the county of Dane;

No. 2, S, an act to legalize the official acts of Samuel Lattimore, as justice of the peace in the county of Dane;

No. 3, S, an act to legalize the official acts of August B. Erbe, as justice of the peace in the county of Dane;

No. 4, S, an act to legalize the official acts of Peter Haroldson, as justice of the peace in the county of Dane;

No. 5, S, an act to legalize the official acts of Isaac C. Steele, as justice of the peace in the county of Dane;

No. 22, A, an act to legalize the organization of joint school district No 2, in the towns of Adrian and Tomah, in the county of Monroe;

No. 23, A, an act to provide for the holding of special terms of the circuit court for the counties of Ozaukee and Washington;

Which have been signed by the Speaker.

ASSEMBLY MESSAGE TAKEN UP.

The Assembly message was taken up for consideration.

Bills read first and second times and severally referred as follows:

Bill No. 9, A,

To committee on Banks and Banking.

Bill No. 28, A,

To committee on Roads, Bridges and Ferries.

Bills Nos. 62 and 64, A,

To Judiciary committee.

Bills Nos. 112, 113 and 114, A,

To general file;

On motion of Senator Hutchinson,

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The Senate went into the

COMMITTEE OF THE WHOLE,

On the general file.

Senator Hutchinson in the chair.

After some time spent therein, the committee rose, reported that they had under consideration the general file of bills, had made progress therein, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same :

No. 10, S, a bill for an act to permanently fix the compensation of the officers and employees of the Legislature ;

And

No. 24, S, a bill for an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named ;

And

No. 26, S, a bill for an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named ;

And

No. 40, S, a bill for an act to appropriate to the Wisconsin telegraph company the sum of $321 13 ;

And

No. 39, S, a bill for an act to appropriate to D. A. Reed the sum of $8 ;

And

No. 42, S, a bill for an act to detach certain territory from the city of Racine, and to attach the same to the town of Mt. Pleasant, in the county of Racine ;

And

No. 53, A, a bill for an act to amend an act entitled, an act to incorporate the Merchants' Mutual Insurance Company, of Milwaukee, and the several acts amendatory thereof ;

And

No. 16, A, a bill for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit;

And

No. 22, S, a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

And

No. 5, A, a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

And

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No. 37, S, a bill for an act to amend section 10, of chapter 52, of the General laws of 1859, entitled "an act relative to the Dane County Court;"

And

No. 25, S, a bill for an act to repeal chapter 114, of the General Laws of 1859, conferring civil jurisdiction on the county court of Crawford county;

And

No. 13, S, a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society, the annual appropriations for the year 1859;

And

No. 33, S, a bill for an act to provide for auditing the accounts of sheriffs for conveying State prisoners;

And

No. 43, A, a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled, "an act to authorize the Judge of the Sixth Judicial Circuit, to appoint a place for holding the circuit court in the county of Buffalo;

And

No. 92, A, a bill for an act to appropriate to E. Martin, the sum of $30;

And

No. 93, A, a bill for an act to appropriate to Hiram A. Stone the sum of $41,50;

And

No. 94, A, a bill for an act to appropriate to Benjamin Williams the sum of $50;

And

No. 95, A, a bill for an act to appropriate to Andrew Bishop the sum of $312;

And

No. 96, A. a bill for an act to approrriate to Gabriel Bouck the sum of $80,37;

And

No. 96, A, a bill for an act to appropriate to James W. Harvey the sum of $7;

And

No. 98, A, a bill for an act to appropriate to Samuel Klauber the sum of $392,56;

And

No. 112, A, a bill for an act to appropriate to Wm. H. Foster the sum of $80;

And

No. 113, A, a bill for an act to appropriate to Moseley & Brother the sum of $604,18;

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And

No. 114, A, a bill for an act to appropriate to T. N. Bovee the sum of $27,45;

With recommendation that they do pass.

No. 28, S, a bill for an act to repeal chap. 134, of the Session Laws of 1858, entitled "an act concerning testimony," approved May 17, 1858;

With recommendation of indefinite postponement.

REPORT OF THE COMMITTEE OF THE WHOLE

Taken up.

No. 28, S,

Was indefinitely postponed.

Nos. 10, 24, 26, 40, 42, 22, 37, 25 and 13, S,

Were ordered engrossed for a third reading.

Nos. 92, 93, 94, 95, 96, 97, 98, 112, 113, 114, 5, 43, 53 and 16, A,

Were ordered to a third reading.

No. 39, S,

Sen. Davis moved to recommit this bill to the committee on Claims;

Motion withdrawn.

Sen. A. I. Bennett moved to recommit the bill to the committee on Claims.

Sen. Maxon moved to lay the bill on the table;

Lost.

The question occurring on Sen. A. I. Bennett's motion to recommit;

The motion prevailed.

No. 33, S,

Sen. Maxon moved that the consideration of the bill be postponed till to-morrow;

Carried.

On motion of Sen. Hutchinson,

Senate adjourned.

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WEDNESDAY, JANUARY 25th, 10 o'clock, A.M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Peck.
Roll called, and Senators were all present.
On motion of Sen. George Bennett,
Reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Senator Ferguson:

No. 22, S, remonstrance of B. W. Curtis and others against the reduction of printers fees;

To committee on Printing.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Virgin:

Res. No. 23, S,

Resolved, That the Sergeant-at-Arms be directed to distribute to the Prasident of the Senate, to each Senator, and to the Chief Clerk Clerk and Sergeant-at-Arms each, postage stamps to the amount of five dollars, viz., letter stamps three dollars, and newspaper stamps two dollars.

Senator Hutchinson moved to amend so as to include the subordinate clerks of the Senate. Lost.

The question occurring on the adoption of the resolution, it was adopted.

By Senator Hanchett:

No. 27. S,

Resolved, That the Superintendent of Public Property is hereby directed to purchase, for the use of the Senate, 2000 copies of the Governor's Message in the German language, published in pamphlet form by E. Rullmann, Editor of the Madison Zeitung, at a cost not exceeding ten cents a copy;

Laid over.

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By Senator Curtis:

Res. No. 28, S,

Resolved, That the Secretary of State, as auditor of printing accounts, be requested to communicate to the Legislature as soon as possible, his construction of the contract now existing between the State and the State Printer, and the reasons on which his constructions is based—also the amounts which have already been audited and paid for printing under the present contract, the amounts which have been audited and not yet paid—the relation of the payments to what he esteems a just interpretation of the contract—a comparative statement or table showing what the same amount of printing would have cost under any or all the bids made to the Commissioners of Printing, at the time the present contract was awarded, together with any other information in the premises which he may deem of use to the Legislature in connection with the matter;

Laid over.

J. Res. No. 5, S,

Resolved, by the Senate, the Assembly concurring, That it is hereby proposed to amend section eight, of article one, of the constitution of this State, so that said section will read as follows:

"The Legislature may prescribe the mode of bringing offenders to justice, either with or without the presentment or indictment of a grand jury, but no person, for the same offence, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.—All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident, and the presumption is great, and the privilege of the writ of *Habeas Corpus* shall not be suspended, except when in cases of rebellion or invasion, the public safety may require it."

Resolved, That this proposed amendment be referred to the Legislature to be chosen at the next general election, and that the same shall be published under the direction of the Secretary of State, in such newspaper or newspapers, as he may deem proper, at least three months previous to the time of holding such election;

Which was laid over from the 19th inst., was considered.

Sen. Washburn moved to recommit the resolution to the Judiciary committee, with instructions to so amend it that murder shall not be a bailable offence;

Carried.

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BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Senator Hutchinson :

No. 61, S, a bill for an act to amend section 27, of chapter 182, of the Revised Statutes, entitled of issues, mode of trial, and judgment in civil actions ;

To Judiciary committee.

By Senator Hutchinson :

No. 62, S, a bill for an act to incorporate the Prairie du Chien and LaCrosse railroad company ;

To committee on Railroads.

By Senator Geo. Bennett :

No. 63, S, a bill for an act to authorize the board of Supervisors of the several counties in this State, to appoint a superintendent of county poor ;

To committee on Town and County Organization.

By Senator Stewart :

No. 64, S, a bill for an act to discontinue the survey and selection of swamp and overflowed lands, within this State ;

To committee on Public Lands.

By Senator Sweat :

No. 65, S, a bill for an act to authorize the Lumberman's Bank and Bank of Moneka to reduce their capital ;

To committee on Banks and Banking.

By Senator Sweat :

No. 66, S, a bill for an act to amend section 1, of chapter 145, of the Revised Statutes, entitled "of actions for the foreclosure of a mortgage ;".

To Judiciary committee.

By Senator Hanchett :

No. 67, S, a bill for an act to repeal chapter 157, of the Revised Statutes, entitled of actions against the State ;

To Judiciary committee.

By Sen. Worthington :

No. 68, S, a bill for an act to amend chapter 97, of the Laws of 1849, being the charter of Carroll College ;

To Judiciary committee.

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REPORTS OF COMMITTEES.

The joint standing committee on Printing have considered

No. 31, A, a bill for an act to amend subdivision 4, of section 38, of the Revised Statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents," and instructed me to report the same back, and recommend its passage.

H. W. CURTIS, *Ch'n.*

The committee on Railroads, to whom was referred

No. 13, A, a bill for an act to amend an act, entitled "an act to incorporate the Milwaukee and Beloit Railroad Company," have had the same under consideration, and recommend its passage.

E. L. PHILLIPS, *Ch'n.*

The committee on Engrossed Bills have examined and compared the following bills, viz:

No. 10, S, a bill to permanently fix the compensation of the officers and employees of the Legislature;

No. 13, S, a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society the annual appropriation for the year 1859;

No. 22, S, a bill for an act to amend chapter 13, of the Revised Statutes, entitled, "of county and county affairs;"

No. 24, S, an act to appropriate to Jas. W. Polleys, late sheriff of LaCrosse county, the sum of money therein named;

No. 26, S, an act to appropriate to James Fisher, Sheriff of Crawford county, the sum of money therein named;

No. 40, S, a bill for an act to appropriate to the Wisconsin Telegraph Company, the sum of $321 13;

No. 42, S, a bill for an act to detach certain territory from the city of Racine, and to attach the same to the town of Mount Pleasant, in the county of Racine;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*
E. L. PHILLIPS.

The committee on Judiciary have had under consideration the following bills:

No. 54, A, a bill for an act to amend section 31, of chapter 119, of the Revised Statutes, entitled "general provisions concerning courts of record, the powers and duties of judges, and of attorneys and officer of court;"

No. 62, A, a bill for an act to amend section 33, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

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And herewith report the same back with the recommendation that they severally do pass.

Also,

No. 17, A, a bill for an act to enable foreign executors and administrators to sue in the State of Wisconsin;

Which I am instructed to report back with an amendment, recommending its passage when so amended;

Said committee have also had under consideration

No. 35, S, a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas;"

Also,

No. 41, S, a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

Also,

No. 46, S, a bill for an act to amend section 1, of chapter 129, of laws of a general nature of 1859, entitled "an act to amend section 1, of chapter 142, of laws of a general nature of 1858, entitled an act to amend an act entitled an act to organize the county of Kewane for judicial purposes;"

Which I am instructed severally to report back by substitutes, recommending the passage of the substitutes.

L. HANCHETT, *Ch'n.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, JANUARY 25, 1860.

To the Senate.

The following entitled bills, orginating in the Senate, have severally received the Executive approval, and been deposited with the Secretary of State:

An Act in relation to the assessment, levy, and collection of taxes in the county of Sheboygan, for the year 1859;

An act to legalize the official acts of Edward O'Hare as justice of the peace in the county of Dane;

An act to legalize the official acts of Samuel Lattimore as justice of the peace in the county of Dane;

An act to legalize the official acts of August B. Erbe as justice of the peace in the county of Dane;

An act to legalize the official acts of Peter Haroldson as justice of the peace in the county of Dane;

An act to legalize the official acts of Isaac C. Steele as justice of the peace in the county of Dane;

ALEX. W. RANDALL.

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BILLS READY FOR A THIRD READING,

Were taken up.

When the following bills were severally read a third time and passed :

No. 26, S, a bill for an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named ;

The ayes and noes being required,

The bill was passed by the following vote ;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 24, S, a bill for an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named.

The ayes and noes being required,

The bill was passed by the following vote ;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 40, S, a bill for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13.

The ayes noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, and Worthington—30.

None voting in the negative.

No. 92, A, a bill for an act to appropriate to F. Martin the sum of $30.

The ayes and noes being required,

The bill was passed by the following vote :

Those who voted in the affirmative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, and Worthington—30.

None voting in the negative.

No. 93, A, a bill for an act to appropriate to Hiram A. Stone the sum of $41 50.

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, and Worthngton—29.

None voting in the negative.

No. 94, A, a bill for an act to appropriate Benjamin Williams the sum of $50.

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—29.

None voting in the negative.

No. 95, A, a bill for an act to appropriate to Andrew Bishop the sum of $312.

The ayes and noes being required,

The bill was passed by the following vote

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 96, A, a bill for an act to appropriate to Gabriel Bouck the sum of $80 37.

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-

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stock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 97, A, a bill for an act to appropriate to James W. Harvey the sum of $7 ;

The ayes and noes being required,

The bill was passed by the following vote :

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 98, A, a bill for an act to appropriate to Samuel Klauber the sum of $392 56 ;

The ayes and noes being required,

The bill was passed by the following vote :

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, Worthington—30.

None voting in the negative.

No. 112, A, a bill for an act to appropriate to William H. Foster the sum of $80 ;

The ayes and noes being required,

The bill was passed by the following vote :

Those voting in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington —30.

None voting in the negative.

No. 113, A, a bill for an act to appropriate to Moseley & Brother the sum of $604 18 ;

The ayes and noes being required,

The bill was passed by the following vote :

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson,

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Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington —30.

None voting in the negative.

No. 114, A, a bill for an act to appropriate to T. N. Bovee the sum of $27 45.

The ayes an noes being required,

The bill was passed by the following vote:

Those voting in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington —30.

None voting in the negative.

No. 16, A, a bill for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit.

No. 5, A, a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

No. 42, S, a bill for an act to detach certain territory from the city of Racine and to attach the same to the town of Mt. Pleasant, in the county of Racine.

No. 13, S, a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society the annual appropriations for the year 1859;

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were,

Messrs. Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn, and Worthington.—30.

None voting in the negative.

No. 10, S, a bill for an act to permanently fix the compensation of the officers and employees of the Legislature;

And the ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hutchinson, Masters, Phillips, Seeley, Virgin, and Worthington.—19.

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Those who voted in the negative were,

Senators Fratt, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurber, and Washburn.—11.

No. 22, S, a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 43, S, a bill for an act to repeal chapter 11, of the the General Laws of 1858, entitled an act to authorize the Judge of the Sixth Judicial Circuit to appoint a place for holding the circuit court in the county of Buffalo.

On motion of Sen. Comstock,

No. 53, A, a bill for an act to amend an act entitled an act to incorporate the Merchant's Mutual Insurance Company of Milwaukee, and the several act amendatory thereof;

Was referred to a select committee of three.

The President appointed Senators Comstock, Gill and A. I. Bennett said committee.

BILLS REPORTED BY COMMITTEE OF WHOLE.

No. 33, S, a bill for an act to provide for auditing the accounts of sheriffs for conveying State prisoners.

Senator Maxon moved to amend the bill by inserting after the word "mile" where it last occurs in line 5, of section 2: *Provided*, In any case where the nearest practicable route is by Railroad, the fees allowed shall be twenty-five cents for one prisoner, and for each additional prisoner twelve and a half cents per mile.

Senator Hutchinson moved to amend the amendment by adding, "to be computed one way only;"

Withdrawn.

Senator Virgin moved to amend the amendment by striking out all which applies to all prisoners after the first;

Pending which,

Senator Virgin moved to refer the bill to the committee on Claims;

Carried.

On motion of Senator Maxon,

No. 14, S, was taken from the table;

Sen. Maxon moved that the bill be ordered engrossed and read the third time;

The ayes and noes were called for,

And the motion prevailed, ayes 19, noes 8.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Cox, Curtis, Decker, Eagan, Fratt, Gill, Hilgen, Hutchinson, Maxon, Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—19.

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Those who voted in the negative were

Senators A. I. Bennett, Burdick, Davis, Ferguson, Hotchkiss, Masters, Phillips and Simpson—8.

Sen. Curtis moved to recall from the Assembly

Bill No. 9, S,

For further action,

Carried.

In pursuance of previous notice,

Sen. A. I. Bennett presented the following, and moved that it be added to the standing rules of the Senate:

"RULE 60. No bill or resolution shall be amended by substitute other than by preserving the enacting or resolving clause of the original."

Lost.

Sen. Gill moved a re-consideration of the vote by which Sen. A. I. Bennett's motion was lost.

The ayes and noes were called for,

And the motion prevailed, ayes 22, noes 6.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hotchkiss, Hutchinson, Masters, Phillips, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—22.

Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Hilgen, Maxon and Rodolf—6.

Senator Curtis moved to postpone the further consideration of the motion till to-morrow;

Lost.

The question occurring on the original motion af Senator A. I. Bennett,

The ayes and noes were called for, and the motion prevailed, ayes 29, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin and Worthington—29.

On motion of Senator Stewart,

Senate adjourned.

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THURSDAY, JANUARY 26, 10 O'CLOCK, A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by Rev. Mr. McWright.
Roll called, and absentees were
Senator A. I. Bennett.
On motion of Senator Masters,
The reading of the journal of yesterday was dispensed with.

ACCOUNTS,

Presented and referred.

By Sen. Virgin :
Acc. No. 10, S., account of John Bronson ;
To Judiciary committee.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Phillips :
No. 23, S., petition of Nathan B. Langdon and others for their relief ;
To committee on School and University Lands.

Be Sen. Decker :
No. 24, S., memorial in relation to printers fees ;
To committee on Printing.

By Sen. Sweat :
No. 25, S., letter and account of Calkins & Webb, as follows :

The State of Wisconsin

To Calkins & Webb, for the use of Andrew Proudfit, Dr.

1858.		
June 15.	For printing 5,640 quires of blank forms for the use of the Secretary of State, double work, both sides, at 8s. per quire, ...	$5,640 00
	Affidavit, ...	0 25
		$5,640 25
1859.		
July.	By cash appropriated, ...	$1,250 00
		$4,390 25

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To the Honorable the Senate of the State of Wisconsin:

GENTLEMEN: The undersigned would respectfully represent that the Secretary of State ordered the above work about the first day of June, 1858; that at that time the firm of Calkins & Webb were the legally constituted State Printers. The work was done promptly, and delivered to the Secretary of State, and charged at the contract price for that style of work. On the 15th day of November, 1858, the Assistant Secretary of State certified that the said account was correct and true, that the work had been ordered, and delivered at that office, and he duly audited the same. The Secretary of State certified that by the financial books of that office, there was due to Calkins & Webb $5,640 25, but was not paid by the Treasurer, for the reason that the Comptroller refuse to countersign the said certificate. The Secretary of State was compelled to procure these blanks at Madison, for the reason that the Assessment Law passed so late in the season that there was no time to send forms to the several counties to print from, early enough, so that they could reach the assessors of that year within the time prescribed by the said law. It was imperatively necessary, in order to give effect to the law, that these blanks should be procured at the earliest moment. The said account was presented to the last Legislaturr, and notwithstanding the committee on Printing recommended the payment of something near $3,000, it finally resulted in allowing $1,250, *provided*, that sum would be received in full payment, &c. The Supreme Court has virtually decided that the Secretary of State had no authority by law to order the work, consequently the State cannot be compelled to pay; but inasmuch as the blanks have been received, and used by the State, there can be no equitable reason for refusing to pay, at least, a fair price, if not the contract price, for the same.

The undersigned purchased the claim at its face, and paid fully for it, not doubting its payment, from the fact that the Secretary of State had certified to its accuracy, and audited it. It is respectfully submitted whether, under the circumstances, the State ought not to pay for all work ordered and used for its benefit, whether legally released or not.

ANDREW PROUDFIT.

RESOLUTIONS OFFERED AND CONSIDERED.

By Sen. Gill:

Res. No. 29, S.,

Resolved, by the Senate, That the Sergeant-at-Arms be instructed to procure and distribute to each of the Clerks, the

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Assistant Sergeant-at-Arms, and Postmaster, three dollars in postage stamps, and each of the officers of the Senate, two dollars in postage stamps;

Adopted.

By Sen. Worthington:

Res. No. 30, S.,

Resolved, That the Sergeant-at-Arms is hereby directed to procure for the use of the Senate 280 printed copies of the statistical list of members and officers of the Senate;

Lost.

By Sen. Davis:

Res. No. 31, S.,

Resolved, That the committee on Railroads are, and they are hereby instructed to inquire what measures (if any) are necessary to be adopted to secure the completion of railroads, in aid of which, land were granted by act of Congress, approved June 3d, 1856;

Adopted.

Res. No. 27, S.,

Resolved, That the Superintendent of Public Property is hereby directed to purchase, for the use of the Senate, 2000 copies of the Governor's Message in the German language, published in pamphlet form by E. Rullmann, Editor of the Madison Zeitung, at a cost not exceeding ten cents a copy;

Offered yesterday by Sen. Hanchett, was considered;

Sen. Gill offered the following substitute:

Resolved, That the State Printer furnish for the use of the Senate 2000 copies of the Governor's Message printed in the German language and in pamphlet form;

Sen. A. I. Bennett moved to refer both the resolution and the substitute

To the committee on Printing;

Carried.

Res. No. 28, S.,

Resolved, That the Secretary of State, as auditor of printing accounts, be requested to communicate to the Legislature as soon as possible, his construction of the contract now existing between the State and the State Printer, and the reasons on which his construction is based—also the amounts which have already been audited and paid for printing under the present contract, the amouuts which have been audited and not yet paid—the relation of the payments to what he esteems a just interrpetation of the contract—a comparative statement or table shewing what the same amount of printing would have cost under any or all the bids made to the Commissioner

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of Printing, at the time the present contract was awarded, together with any other information in the pemises which he may deem of use to the Legislature in connection with the matter;

Which was introduced by Sen. Curtis, yesterday, was considered.

Sen. Simpson, offered the following substitute:

Resolved, That the Secretary of State, be and he is hereby, required to communicate to the Legislature at an early day, what amounts have been audited and paid for printing under the present contract with the State Printer, also, the amounts which have been audited and not paid;

Lost.

Sen. Hotchkiss moved to amend the resolution by adding the following:

Also, that a copy of this resolution be furnished the State Printer, and that he be requested to furnish the same information to the Senate as is called for in this resolution, from the Secretary of State;

Carried.

Sen. Simpson moved to lay the resolution as amended on the table;

Lost.

The question occurring on the passage of the resolution as amended,

The ayes and noes were called for, and

The resolution was adopted—ayes 15, noes 14.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin and Washburn—15.

Those who voted in the negative were

Senators Bartlett, Decker, Eagen, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Thurbur and Worthington—14.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. A. I. Bennett:

No. 69, S., a bill for an act to extend the time for the payment of taxes in the city of Beloit.

Sen. A. I. Bennett moved a suspension of all rules for the passage of this bill;

Carried.

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The question occurring on the passage of the bill,
The ayes and noes were called for,
And the bill passed—ayes 22, noes 4.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Phillips, Rodolf, Sweat, Virgin and Worthington—22.
Those who voted in the negative, were
Senators Maxon, Simpson, Stewart and Thurbur—4.

By Sen. Hanchett:
No. 70, S., a bill for an act relating to the publication of legal notices;
To Judiciary committee.

By Sen. Worthington:
No. 71, S., a bill for an act to amend chapter 7, of the Revised Statute, entitled of general and special election, of the manner of conducting the same, and of canvass;
To Judiciary committee.

By the committee on Contingent Expenses:
No. 72, S., a bill for an act to appropriate to Alexander W. Randall the sum of $10,000;
To committee on Claims.

By Sen. Comstock:
No. 73, S., a bill for an act to amend an act entitled to establish a municipal court in the city and county of Milwaukee, approved 18th March, 1859;
To Judiciary committee.

By Sen. Rodolf:
No. 74, S., a bill for an act to repeal section 3, of chapter 1 0, of the Revised Statutes, of courts held by justices of the peace;
To Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined, and find correctly enrolled,
Bill No. 51, S., entitled a bill for an act to authorize the holding of a special term of the circuit court, in and for the county of Kenosha.

GEO. BENNETT,
O. F. BARTLETT,

The standing committee on Finance, to whom was referred

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Bill No. 11, S., "to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;"

Have had the same under consideration, and report back with amendment, and when so amended, recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Banks and Banking, to whom was referred

No. 8, A., a bill for an act to reduce the capital stock of the bank of Oshkosh,

Report the same back and recommend its passage.

D. WORTHINGTON, *Ch'n.*

The committee on Claims, to whom was referred

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands,"

Have had the same under consideration, and report the same back without recommendation.

Z. P. BURDICK, *Ch'n.*

The committee on Contingent Expenses, to whom was referred the Message from the Governor in relation to contingent expenditures of last year, have had the same under consideration, and have examined the accounts and vouchers with the Secretary of the Executive Department, and report as follows: That, in our opinion, the fund has been properly and judiciously expended, and would recommend that a similar fund be appropriated for the present year, and therefore recommend the passage of the accompanying bill.

C. B. COX,
E. D. MASTERS.

The committee on Engrossed Bills have examined and compared

No. 25, S., entitled "a bill for an act to repeal chapter 114, General Laws, 1859, conferring civil jurisdiction on county court of Crawford county;"

Also,

No. 37, S., a bill to amend section 10, of chapter 52, of the General Laws of 1859, entitled an act relating to the Dane county court;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The select committee to whom was referred

No. 53, A., entitled a bill for "an act to amend an act entitled an act to incorporate the Merchant's Mutual Insurance Company of Milwaukee, and the several acts amendatory there-

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of," have had the same under consideration and report it back with a recommendation that it do pass.

C. COMSTOCK,
CHARLES R. GILL.

Senator Curtis, from the committee on Printing, reported back bill

No. 31, S.,

And recommended that the Senator who presented the bill be permitted to withdraw the same;

Leave was granted.

Sen. Gill moved to reconsider the vote by which

Bill No. 10, S., was passed yesterday.

Sen. Stewart moved to lay on the table the motion to reconsider,

Ayes and noes were called for, and

The motion was lost.—Ayes 13, noes 17.

Those who voted in the affirmative were

Senators Bartlett, Decker, Eagan, Ferguson, Fratt, Gill, Hotchkiss, Rodolf, Stewart, Sweat, Thurbur, Virgin and Washburn—13.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Taylor and Worthington—17.

The question occurring on the motion to reconsider,

The ayes and noes were called, and

The motion prevailed.—Ayes 17, noes 13.

Those who voted in the affirmative were

Senators Cox, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Maxon, Rudolf, Seeley, Simpson, Stewart, Sweat, Taylor and Thurbur—17.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Hutchinson, Masters, Phillips, Virgin, Washburn and Worthington—13.

Sen. Gill moved that the further consideration of the bill be indefinitely postponed;

Pending which,

Senator Hutchinson moved that the bill be referred to a special committee;

Pending which,

Sen. Stewart moved that the bill be referred to the Judiciary committee;

Lost.

The question occurring on Sen. Hutchinson's motion,

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The motion was lost.

Sen. Gill moved that the bill be referred to the committee on Legislative Expenditures;

Lost.

Sen. Maxon moved that the further consideration of the bill be postponed till to-morrow, at 11 o'clock, A. M.

The ayes and noes were called for, and

The motion was lost—ayes 12, noes 18.

Those who voted in the affirmative, were

Senators Cox, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Simpson, Sweat, Taylor and Thurbur—12.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Eagan, Hanchett, Hutcinson, Masters, Phillips, Rodolf, Seeley, Stewart, Virgin, Washburn and Worthington—18.

Sen. Hutchinson moved that the bill be referred to the committee on Claims;

Lost.

Sen. Gill renewed his motion of indefinite postponement;

Lost.

Sen. Maxon moved that the bill be referred to the committee on Federal Relations.

The ayes and noes were called for, and

The motion was lost—ayes 13, noes 17.

Those voting in the affirmative were

Senators Cox, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Eagen, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—17.

Senator Rodolf moved that the bill be referred to a special committee, consisting of Sen. Stewart;

Lost.

Sen. Hotchkiss moved that the bill be referred to the general file;

Carried.

Sen. Curtis moved that the Senate do now adjourn;

Lost.

Sen. A. I. Bennett moved that

No. 11, S., be taken from the general file for present consideration.

No objection being made,

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The bill was taken from the general file.

The question occurring on the adoption of the amendment recommended by the committe on Finance,

The amendment was adopted.

MESSAGES FROM THE ASSEMBLY,

By John S. Dean, Esq., Asst. Clerk thereof.

Mr. President:

I am directed to inform you that the Assembly has passed

No. 20, A., a bill for an act to amend chap. 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices;"

And asks the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has concurred in

No. 51, S., a bill for an act to authorize the holding of a special term of the circuit court in and for the county of Kenosha.

I am further directed to inform you that the Assembly has adopted

J. Res. No. 13, A.,

Relative to investment of capital in the manufacturing business.

J. Res. No. 41, A.,

Relative to a change in the system of county government;

And asks the concurrence of the Senate in the same.

Mr. President:

I am directed to present to you for signature,

No. 51, S., an act to authorize the holding of a special term of the circuit court in and for the county of Kenosha;

Which has been signed by the Speaker.

On motion of Sen. Sweat,

The Senate adjourned.

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FRIDAY, JANUARY 27th, 10 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called, and the absentees were
Senators Hotchkiss, Seeley, Simpson and Sweat.
On motion of Sen. Thurbur,
The reading of the journal of yesterday was dispensed with.

ACCOUNTS PRESENTED AND REFERRED.

By Sen. Burdick:
Acc. No. 12, S., account of D. L. Mills;
To committee on Claims.
Sen. Hutchinson gave the following notice:
I give notice that I will, on to-morrow, or some future day, move to amend
RULE 31, of the Senate;
By striking therefrom all from the word "Senate," in the 4th line from the end, to and including the word "taken," in the 2d line from the end of said rule.

BILLS INTRODUCED ON LEAVE GRANTED,

Read first and second times and referred.

By Sen. Virgin:
No. 75, S., a bill for an act to amend chap. 205, of the General Laws of 1859, entitled "an act to repeal so much of chap. 28, of the Revised Statutes, as authorizes or directs the appraisal of the School or University lands, approved March 25th, 1859:
To committee on the Judiciary.

By Senator Ferguson:
No. 76, S., a bill for an act to amend an act approved March 11th, 1859, entitled an act to amend an act to incorporate the village of Horicon, approved March 29th, 1855;
To committee on Incorporations.

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By Senator Hotchkiss:

No. 77, S., a bill for an act to provide for making new lists of jurors for the county of Sheboygan;

To general file.

By Senator Decker:

No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door;

To committee on State Affairs.

By the committee on Claims:

No. 79, S., a bill for an act to appropriate to W. P. Towers the sum of $496 02;

To general file.

By the committee on Banks and Banking:

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison to reduce its capital;

To general file.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared

No. 14, S., a bill for an act to repeal chapter 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller and prescribing his duties,"

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Internal Improvements, to whom was referred

No. 48, S., a bill for an act to amend an act to prevent the sale of unripe cranberries, approved March 17, 1859;

Report the same back and recommend its passage.

D. WORTHINGTON, *Ch'n.*

The joint committee on Enrolled Bills, report that on yesterday they presented to the Governor for his approval, bill

No. 51, S., entitled "an act to authorize the holding of a special term of the circuit court, in and for the county of Kenosha."

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The committee on Claims, to whom was referred

No. 43, S., a bill to appropriate to Hiram Bowen, the sum of $50;

Have had the same under consideration, and report it back and recommend that said bill do pass;

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Also, the account

No. 9, S., the account of W. P. Towers, for painting, glazing, papering, and varnishing in and about the Capitol, from July 2, to December 30, 1859;

Have had the same under consideration, and report it back by bill No. 79, S., a bill for an act to appropriate to W. P. Towers the sum of $496 02;

And recommend the said bill do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred the following bills, have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend their passage;

No. 41, S., a bill for an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin River, in the town of Prairie du Sac, Sauk county, and Black Earth, Dane county."

No. 18, A., a bill for an act to amend section 58, of chapter 19 of the Revised Statutes, entitled "of highways and bridges,"

Also,

No. 28, A., a bill for an act to authorize the laying out of a State road from Eau Claire, in Eau Claire county, to Menomonee in Dunn county."

P. B. SIMPSON, *Ch'n.*

The committee on the Judiciary have had under consideration the following bills:

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;

And

No. 68, S., a bill for an act to amend chap. 97, of the laws of 1849, being the charter of Carroll College;

And herewith report the same back, with the recommendation that they severally do pass.

Said committee have also had under consideration

J. Res. No. 5, S.,

Proposing to amend sec. 8, of art. 1, of the Constitution.

Also

No. 27, S., a bill to amend sec. 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings thereon;"

Also

No. 73, S., a bill for an act to amend an act entitled "an act to establish a Municipal Court in the city and county of Milwaukee," approved March 18, 1859;

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And herewith report the same back with amendments, with the recommendation that they severally do pass when so amended.

Said committee have also had under consideration the following bills:

No. 49, S., a bill for an act to authorize payment to be made to the State Treasurer, and to the several County and Town Treasurers, in the current bank bills of the banks of this State in all cases;

No. 61, S., a bill to amend sec. 27, of chap. 132, of the Revised Statutes, entitled "of issues, mode of trial, and judgments in civil actions;"

And

No. 67, S., a bill for an act to repeal chap. 159, of Revised Statutes, entitled "of actions against the State;"

And have instructed me to report the same back without recommendation.

Said committee have also had under consideration

No. 21, A., a bill for an act to amend sec. 217, in chap. 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

Which I am instructed to report back with, an amendment, and without recommendation.

L. HANCHETT, *Ch'n.*

The committee on Banks and Banking, to whom was referred bill

No. 60, S., "a bill for an act to authorize the Citizens Bank, of Oshkosh, to remove to Black River Falls, Jackson county;"

Report the same back and recommend its passage.

The same committee to whom was referred,

No. 3, A., a bill for an act to authorize the Sauk City Bank, and the Wisconsin Bank, of Madison, to reduce their capital;

Recommend the indefinite postponement of the same, and ask leave herewith to present a bill,

No. 80 S., in lieu thereof.

D. WORTHINGTON, *Ch'n.*

The question occurring on the adoption of the recommendation of the committee on Banks and Banking, in regard to the indefinite postponement of Bill No. 3, A., the recommendation was adopted, and the bill was indefinitely postponed.

Sen. Hutchinson moved to suspend the rules in order to now consider the amendment to rule 31, S., instead of to-morrow.

Carried.

The question occurring on the adoption of the amendment to rule 31, S.,

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The ayes and noes were called for, and

The motion to amend was lost—ayes 9, noes 18.

Those voting in the affirmative, were

Senators Bartlett, G. Bennett, Curtis, Ferguson, Hutchinson, Masters, Phillips, Virgin and Washburn—9.

Those voting in the negative, were

Senators A. I. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Fratt, Hanchett, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Stewart, Taylor, Thurbur and Worthington —18.

Sen. Gill was excused from voting.

Sen. Rodolf moved to suspend the rules in order to now consider the following resolution :

Resolved, That Rule No. 1 be so amended as to strike out the words "the clerk shall call the roll of members ;"

Carried.

Sen. Rodolf moved that the resolution be adopted.

Sen. Maxon moved to lay the motion on the table.

Carried.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT :

I am directed to inform you that the Assembly has refused to concur in the Senate amendment to

J. Res. No. 7, A.,

Instructing the committee on State Prison ;

And has concurred in the Senate amendment to

No. 43, A., a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled "an act to authorize the judge of the Sixth Judicial District to appoint a place for holding the circuit court in the county of Buffalo."

I am further directed to return to the Senate

No. 9, S., a bill to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19th, 1859, concerning fees of advertising ;

In accordance with their request.

The Assembly has concurred in the passage of

No. 7, S., a bill for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment therefor ;

With an amendment, in which the concurrence of the Senate is requested.

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The Assembly has concurred in the passage of

No. 8, S., a bill to amend chapter 133, of the Revised Statutes, entitled "of costs and fees."

No. 15, S., a bill for an act relative to the printing of public documents.

No. 21, S., a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit.

And

No. 69, S., a bill to extend the time for the payment of taxes in the city of Beloit.

The Assembly has passed, and asks the concurrence of the Senate in

No. 7, A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions, and proceedings supplementary thereto."

No. 14, A., a bill for an act to authorize persons having a lien upon land, to pay the taxes upon the same.

No. 39, A., a bill for an act to repeal chapter 16, of the Revised Statutes, entitled "of the duties of assessors in the collection of statistics."

No. 41, A., a bill for an act regulating practice in the foreclosure of mortgages in certain cases where parties are unknown.

No. 67, A., a bill for an act to amend section 8, of chapter 134, of the Revised Statutes of this State, entitled "of executions, and proceedings supplementary thereto."

No. 84, A., a bill for an act to limit the liability of counties in certain cases.

No. 90, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Racine, for the years 1856 to 1859, inclusive.

And

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred as follows:

No. 7, 14, 39, 41, 67, 84, 90, and 149, A.,

To Judiciary committee.

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices;"

To Judiciary committee.

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J. Res. No. 41, A., relative to a change in the system of county government;

Sen. Virgin moved to lay the resolution on the table;

The ayes and noes were called for, and the motion

Was lost—ayes 13, noes 15.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Ferguson, Gill, Hilgen, Hotchkiss, Masters, Maxon, Simpson, Thurbur and Virgin.—13.

Those who voted in the negative were,

Senators Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hanchett, Hutchinson, Phillips, Rodolph, Stewart, Taylor, Washburn, and Worthington,—15.

The question occurring on the adoption of the resolution,

The ayes and noes were called for

And the resolution was adopted—ayes 17, noes 11.

Those who voted in the affirmative were

Senators G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hanchett, Hilgen, Hutchinson, Phillips, Rodolf, Simpson, Stewart, Taylor, and Washburn—17.

Those who voted in the negative were,

Senators Bartlett, A. I. Bennett, Burdick, Ferguson, Gill, Hotchkiss, Masters, Maxon, Thurbur, Virgin and Worthington.—11.

J. Res. No. 13, A.,

Relative to the investment of capital in the manufacturing business;

Senator Virgin moved to lay the resolution on the table;

The ayes and noes wer called for, and

The motion prevailed—ayes 16, noes 12.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Masters, Maxon, Rodolf, Simpson, Taylor and Virgin—16.

Those who voted in the negative were

Senators Comstock, Cox, Curtis, Davis, Eagan, Hotchkiss, Hutchinson, Phillips, Stewart, Thurbur, Washburn and Worthington—12.

J. Res. 7, A.,

Instructing the committee on States Prison.

Senator Maxon moved that the State recede from its amendment;

Carried.

No. 7, S.,

On the question of concurring with the amendment of the Assembly,

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The ayes and noes were called for, and
The Senate refused to concur—ayes 8, nces 17,
Those who voted in the affirmative were
Senators Cox, Ferguson, Gill, Hutchinson, Rodolf, Stewart, Thurbur and Washburn –8.
Those who voted in the negative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Decker, Eagen, Fratt, Hilgen, Masters, Maxon, Phillips, Simpson, Virgin and Worthington—17.
Sen. Davis moved to re-consider the vote by which
Bill No. 9, S., was passed on the 19th inst. ;
Carried.
Sen. Curtis moved that the further consideration of the bill be postponed till Wednesday next ;
Withdrawn.
Sen. Hotchkiss moved to refer the bill to the committee on Printing ;
Carried.
On motion of Sen. A. I. Bennett,
The rules were suspended in order to pass bill
No. 11, S.
The Senate concurred in all of the amendments which were made to the said bill by the Committee of the Whole.
Sen. A. I. Bennett offered a further amendment to the fourth amendment;
Adopted.
Sen. A. I. Bennett moved that when the bill is engrossed, it be printed as amended for the use of the Legislature;
Carried.
The bill was ordered engrossed for a third reading.
Sen. Hotchkiss moved that the Senate do now resolve itself into the Committee of the Whole on bill
No. 77, S.
Motion withdrawn.
Sen. Hotchkiss moved that the rules be suspended in order to consider bill
No. 77, S ;
Carried.
Bill No. 77, S., a bill for an act to provide for making new list of jurors for the county of Sheboygan ;
Was then ordered to a third reading,
Passed and title agreed to.

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BILLS READY FOR A THIRD READING,

Were taken up, and

The following bills were severally read a third time, and passed:

No. 25, S., a bill for an act to repeal chap. 114, General Laws of 1859, conferring civil jurisdiction on the county court of Crawford county.

No. 37, S., a bill for an act to amend sec. 10, of chap. 52, of the General Laws of 1859, entitled "an act relating to the Dane county court."

No. 53, A., a bill for an act to amend an act entitled "an act to incorporate the Merchants Mutual Insurance Company of Milwaukee, and the several acts amendatory thereof."

Sen. Rodolf moved to recommit to Judiciary committee, bill

No. 14, S., a bill for an act to repeal chapter 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller and prescribing his duties;

The ayes and noes being called for

The motion prevailed—ayes 19, noes 8;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Taylor, Washburn and Worthington—19.

Those who voted in the negative were,

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon and Thurbur—8.

On motion of Sen. Worthington,

The Senate adjourned.

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SATURDAY, JANUARY 28th, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. McWright.
Roll called and quorum present.
On motion of Sen. ———,
The reading of the journal of yesterday was dispensed with.

ACCOUNTS,

Presented and referred.

By Sen. Maxon :
No. 12, S., account of James Livesey ;
To committee on Claims.

By Sen. Maxon :
No. 18, S., account of James Livesey ;
To committee on Claims.

By Sen. Davis :
No. 1, S., account of D. A. Reed ;
To committee on Claims.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Burdick :
Mem. No. 25, S., memorial of the Supervisors of Rock county, to limit fees of counsel assigned by the court to ten dollars ;
To Judiciary committee.

By Sen. Burdick :
Mem. No. 26, S., memorial of the Supervisors of Rock county for reduction of printers fees of delinquent lands ;
To committee on Printing.

By Sen. Hutchinson :
No. 27, S., Remonstrances of O. C. & J. Smith, in regard to reduction of printers fees ;
To committee on Printing.

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By Sen. Hotchkiss:

Mem. No. 28, S., memorial of publishers of Sheboygan county in relation to reduction of printers fees;

To committee on Printing.

By Sen. Masters:

No. 29, S., remonstrance of C. Leroman & Brothers, and others, against the reduction of printers fees;

To committee on Printing.

Sen. Maxon moved that when the Senate adjourns it adjourn till 3 o'clock, P. M. of Monday next;

Carried.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Curtis:

No. 81, S., a bill for an act to amend an act entitled "an act to incorporate the Yellow River Improvement Company," approved March 2d, 1857;

To committee on Incorporations.

By committee on Banks and Banking:

No. 82, S., a bill for an act to authorize the Tradesman's Bank to reduce its capital stock;

Referred to General File.

By committee on Banks and Banking:

No. 83, S., a bill for an act to permit the Bank of Oconto to reduce its capital stock;

Referred to general file.

By Senator Taylor:

No. 84, S., a bill for an act to confer powers upon the committee of investigation into the financial affairs of the county of Dane;

To Judiciary committee.

By Senator Taylor:

No. 85, S., a bill for an act to protect the wool growing interest of the State of Wisconsin;

To committee on Agriculture.

Senator Maxon moved that the Senate do now adjourn.

The ayes and noes were called for, and

The motion was lost—ayes 8, noes 13.

Those who voted in the affirmative were

Senators Ferguson, Gill, Hotchkiss, Masters, Maxon, Rodolf, Stewart and Thurbur—8.

Those who voted in the negative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Decker, Phillips, Simpson, Taylor, Virgin, Washburn and Worthington—13.

Senator Ferguson, asked leave of absence for Sanator Eagan until Monday next;

Granted.

Senator Virgin asked leave of absence for Senator Seeley until Wednesday next;

Granted.

The President appointed Senator Davis president, *pro tem.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 137, A., a bill for an act to authorize towns to assess and collect additional school monies in certain cases, and the town clerk to certify thereto;

Also,

J. Res. No. 14, A.,

Relative to reducing the capital stock of banks;

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 44, S., an act to authorize Ephraim Kingsbury, his successors and assigns, to erect and maintain a boom on the Wisconsin river, in Sauk county.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk, thereof.

MR. PRESIDENT:

I am directed to present toyou for your signature, the following Enrolled Bills:

No. 92, A., a bill for an act to appropriate to E. Martin the sum of $30;

No. 93, A., a bill for an act to appropriate to Hiram A. Stone the sum of $41 50;

No. 94, A., a bill for an act to appropriate to Benjamin Williams the sum of $50;

No. 95, A., a bill for an act to appropriate to Andrew Bishop the sum of $312;

No. 96, A., a bill for an act to appropriate to Gabriel Bouck the sum of $80 37;

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No. 97, A., a bill for an act to appropriate to James W. Harvey the sum of $7 ;

No. 98, A., a bill for an act to appropriate to Samuel Klauber the sum of $392 50 ;

No. 112, A., a bill for an act to appropriate to William H. Foster the sum of $80 ;

No. 113, A., a bill for an act to appropriate to Mosely & Brother the sum of $604 18 ;

No. 114, A., a bill for an act to appropriate to T. N. Bovee the sum of $27 47 ;

No. 5, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof ;

No. 16, A., a bill for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit;

And

No. 43, A., a bill for an act to repeal chapter 11, of the General Laws of 1858, entitled "an act to authorize the judge of the Sixth Circuit to appoint a place for holding the circuit court in the county of Buffalo, with an amendment ;

Which have been signed by the Speaker.

On motion of Sen. Hutchinson,

The Senate went into

COMMITTEE OF THE WHOLE,

On the general file ;

Sen. Hutchinson in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same :

No. 50, A., a bill to incorporate the Hanover Street Congregational Society ;

And

No. 56, A., a bill for an act to incorporate the Workmen's Relief Association, of the city of Watertown ;

And

No. 54, A., a bill for an act to amend section 31, of chapter 119, of the Revised Statutes, entitled general provisions concerning courts of record, of the powers and duties of judges, and of attorneys and officers of court ;

And

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No. 31, A., a bill for an act to amend subdivision 4, of section 38, of chapter 6, of the Revised Statutes, entitled of public printing, and of the publication and distribution of Statutes and other public documents;

And

No. 13, A., a bill for an act to amend an act entitled an act to incorporate the Milwaukee and Beloit Railroad Company, approved March 29th, 1855;

With the recommendation that they do pass.

Also,

No. 35, S., a bill for an act to amend chapter 191, of session laws of 1859, entitled, an act to divide the county of Polk, and erect the county of Dallas;

With a substitute;

And recommend the passage of the substitute.

Also,

No. 45., S., a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled, of counties and county officers;

With a substitute;

And recommend the passage of the substitute.

Also,

No. 17, A., a bill for an act to enable foreign executors and administrators to sue in the State of Wisconsin;

With amendments, and recommend to pass when so amended;

Also,

No. 36, S., a bill providing for grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, of the Revised Statutes;

And recommend that the same be recommitted to the Judiciary committee.

REPORT OF THE COMMITTEE OF THE WHOLE

Taken up.

Nos. 50, 56, 54 and 31, A.,

Were ordered to a third reading;

No. 35, S., with substitute;

Substitute adopted, and

Ordered engrossed;

No. 45, S., with substitute;

Substitute adopted, and

Ordered engrossed;

No. 17, A., with amendments;

Amendments adopted, and

Bill as amended ordered to a third reading;

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No. 36, S., was referred to Judiciary committee.
Sen. Bartlett moved to suspend the rules in order to pass
No. 13, A. ;
Carried.
The question occurring on the passage of the bill,
The bill was passed, and
The title agreed to.
Sen. Stewart offered a resolution in regard to newspapers,
Asked leave to withdraw the same, and
Leave was granted.
The President appointed Senators Simpson and Hutchinson members on the part of the Senate, of the joint committee, authorized by
J. Res. 41, A.
On motion of Sen. Hotchkiss,
Senate adjourned.

MONDAY, JANUARY 30, 3 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Eggleston.
Roll called and a quorum present.
On motion of Sen. Rodolf,
The reading of the journal of Saturday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Cox :
Mem. No. 31, S., memorial of C. E. Young, and others, in relation to printer's fees ;
To committee on Printing.

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By Sen. Hutchinson:
No. 30, S.,

OFFICE OF THE DAILY AND WEEKLY PATRIOT,

MADISON, January 30, 1860.

To the Honorable, the Legislature:

The circumstances under which we presume to address you, furnish the only apology we have to offer for the liberty thus taken.

We are, and have been for many months, working and furnishing stock and materials for the State under the contract of James Ross, to do the public printing. That contract was entered into with a full knowledge of the mutual obligations which it imposes. That contract, like agreements between individuals, contains certain covenants which neither party is at liberty to break, with impunity. It imposes on the public contractor the obligation under severe fines, penalties and the pressure of a heavy bond to do all the printing and binding, and to furnish all the paper, &c., in a neat and workmanlike style, and within a reasonable time; while by the express terms of the contract as declared in section 20 of the Printing Law, the State is bound to adjust the accounts for work as fast as delivered, and when so adjusted, it is expressly stipulated that the Treasurer *shall* pay, &c.

Such in brief are part of the terms and conditions of the contract—the State on the one hand receiving its "consideration" in the work done, and the Printer his "consideration" in the stipulated amount *time* and *manner* of payment.

The State has a right to expect promptness and good work, and the printer that his pay would be forthcoming in the manner and at such times as the terms of the contract stipulated. Any deviation from these mutual obligations would, as between two or more individuals, under the laws that emanate from our legislative department, be adjudged in any court in this State, as a violation of the contract.

The work under this contract has been faithfully executed in a manner that has left no possible cause for complaint—the printer often using better paper than he was required to by his specimens on file, and which by section 5, of said act, are declared to be the "standard criterion" for all the work, &c.—In short, the printer has spared no pains to furnish the State with better material and neater typography than has ever been furnished before, and by heavy outlays he has purchased a large number of power presses, and vast quantities of types, so that the work should not only be well done, but done in *season*, and

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without hindrance or annoyance to the State or any of its departments. All this has been done, and without a word of complaint from any quarter, but with many flattering compliments from those best qualified to judge of the excellent execution of the work in every particular; nor have we slighted any of the vast amount of work we have done for *nothing*—our determination having been to do all work well—even better than we were bound to, whether it paid or not. On this score we may challenge the most rigid scrutiny and criticism. Up to last October, the obligations of the contract were faithfully fulfilled on both sides, with the exception of sundry items on blanks, which the late Secretary of State refused to allow, as claimed, without, however, denying the justice of the claim, but on account of a certain clause in the contract, which was the bone of contention last winter, and when the contract was executed. But since last October, we have received little or nothing from the State, although some $38,000 have been audited and now remains unpaid.

We have neither the time nor the inclination now, to inflict on the Legislature a legal argument on the rights involved in this amount, nor will we here make allusions that are in the least personal to any one. We will, however, within a few days, present to your honorable bodies, all the facts necessary to a clear understanding of the rights involved.

Our main object now is, to acquaint the Honorable the Legislature, of the fact, that while we know of no dereliction upon our part, the failure to receive the amount that has been adjusted in our favor, by the constitutional officer alluded to in the contract, has most sensibly affected our rights, and jeopardized not only our own credit, but the credit of the large number of friends who have loaned us the necessary means to go on with the work. We have drawn orders on the Treasury for over $25,000, besides some $10,000 that now stands against us in notes of hand, many of which have been forced to protest. After having loaned all we could from banks, we have had to loan from individuals at enormous rates of interest; yet under such circumstances that every principle of manly honor would forbid us taking any advantage of the usury law. In fact, so great is the amount in which we are involved, expressly for work and materials furnished the State, that the interest which we are compelled to pay, amounts to the rate of near thirteen dollars per day, Sundays included. For the past four months our large corps of hands have only received such sums as have been taken at our counter, in the regular course of our business. This, although furnishing a good remuneration, has not

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been sufficient to meet the simplest wants of our many laborers, some of whom have large families to support.

We know that outside clamor, for vindictive, or perhaps, in some instances, for political reasons, has raised a cry that the Printer was making too much out of his contract; yet we will not add the insult to the Honorable the Legislature to suppose that this clamor can, or will, have any effect on them in determining rights as between the great State of Wisconsin and one of her most humble and unpretending citizens; but that you will, as speedily as possible, instruct your Printing Committee, under section 23 of said act, to inquire into the facts whereof we speak, and if we are correct, may we not presume, in view of the extreme hardship under which fortuitous circumstances have placed us, that you will immediately appropriate us some $30,000, which will so far relieve us, that we can go on with renewed credit, and finish up the balance of the work, and wait until such time as a more prolonged Legislative, or Judicial action, may further determine our rights.

Our paper maker writes us, that for want of the large sum due him for paper, and the pressure of sundry heavy notes that have fallen protested on his hands, that the conduct of his business is seriously threatened, and that if we do not immediately relieve him his damage will be greater than the amount due him can repair.

Now, we do not believe it is for the interest of the State, or the wish of her representatives, that individual rights should thus be sacrificed while the State reaps the benefit of the labor and capital furnished.

We do not come to you in the attitude of mendicants supplicating charity. We ask no concessions that are not honorable and just. We address you as honorable men, whose feelings, sympathies and general rights are not unlike our own. We address you not in the attitude of fear, with plaintive appeals for mercy, but in the attitude of men addressing men, and with more than an empty hope that a manly address will meet with a manly response.

We ask this appropriation now, in all confidence that it will be granted.

1st. Because we think we can show such facts to any committee with which you may intrust this matter, as will convince you that the request *ought* to be granted.

2d. Because it is near $10,000 less than has already been fixed and adjusted in our favor.

3d. Because we have waited patiently for some time before applying to the Legislature, in hopes the Supreme Court would

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render a decision on the small amount involved in the mandamus case before them, believing that such decision must be in accordance with the same principle involved in their decision in the case of Proudfit vs. The Treasurer, and that we should be able thereby to draw what had been adjusted in our favor, without further litigation; but the adjournment of the court last week for a considerable time without rendering a decision, leaves us no alternative but to press our necessities upon the immediate attention of the Legislature.

4th. Because "necessity knows no law,"—our necessities are preying on our credit and the credit of those who have furnished us with paper, materials, and labor, and many are so deeply involved that we should not only be doing ourselves and them, but the State great injustice by delaying this matter a single hour. We here quote from a message of His Excellency of last winter, as follows: "Every contractor for the Public Printing, and every other contractor with the State ought to receive and the State ought to pay a fair and reasonable compensation for services performed and materials furnished for its benefit. * * * It is beneath the dignity of this great State to profit by the misfortunes or misadventures of individuals. * * * I am extremely solicitous that every man who performs services for the State and furnishes of his substance for its benefit should be fairly compensated, and all equitable as well as legal claims fairly satisfied," &c.

Now, in connection with these just sentiments, we take the liberty to direct your attention to the answer to the mandamus case, now in court, where it is *admitted* that the work was ordered, that the State had the benefit of it, and that the account was audited strictly in accordance with the terms of the contract. This statement we regard as ample, without further argument. The appropriation may be made on account generally, and the Public Printer, *de facto*, will stipulate, in any manner the Legislature may suggest, that the sum shall apply on the audited or unaudited accounts, until further action can be had; and, as no one will pretend the sum asked will exceed the amount due, in any event, we are confident that our request will not be deemed unreasonable.

And may we presume to ask the courtesy of having these, our reasons, printed; so that the members of both Houses may see, read, and judge for themselves.

All of which is respectfully submitted.

CARPENTER & HYER.

Referred to committee on Printing.

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RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Simpson:
Res. No. 33, S.,
Resolved, That the committee on Agriculture be and they are hereby required to prepare a bill, and report the same to the Senate at an early day, providing for the building and maintaining fences, other than partition fences, of suitable height and strength to prevent horses, cattle, and other domestic animals from trespassing upon improved or cultivated lands: *Providing*, that the said committee are of the opinion that the agricultural or farming interest of the State require the same.
Adopted.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred:

By committee on Banks and Banking:
No. 86, S., a bill for an act to authorize the Sauk City Bank to reduce its capital:
To general file.

By Senator Virgin:
No. 87, S., a bill for an act to legalize the proceedings of the district board of school district No. 5, of the town of Platteville, Grant county;
To committee on Schools and University Lands.

By Senator Hanchett:
No. 88, S., a bill for an act to authorize the issuing of patents to deceased persons in certain cases:
To Judiciary committee.

By committee on School and University Lands:
No. 89, S., a bill for an act for the relief of Nathan B. Langdon and others;
To general file.

REPORTS OF COMMITTEES.

The committee on State Affairs, to whom was referred,
No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door;
Report the same back, with recommendation that it pass.
HUTCHINSON, *Ch'n.*

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The committee upon Education, School and University Lands, to whom was referred,

The memorial of Nathan B. Langdon, Levi R. Brundige, Sidney L. Wait, and William Shapley;

Have had the same under consideration, and have directed me to report the same back with a bill, the passage of which is recommended.

HUTCHINSON, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 28th inst., they presented to the Governor, for his approval, the following bills:

No. 98, A., for an act to appropriate to Samuel Klauber the sum of $392 56;

No. 97, A., for an act to appropriate to James W. Harvey the sum of $7.

No. 95, A., for an act to appropriate to Andrew Bishop the sum of $312;

No. 113, A., for an act to appropriate to Mosely & Brother the sum of $604 18;

No. 16, A., for an act to change the time of holding courts in the county of Richland, in the Fifth Judicial Circuit;

No. 114, A., for an act to appropriate to T. N. Bovee the sum of $27 45;

No. 112, A., for an act to appropriate to William H. Foster the sum of $80;

No. 96, A., for an act to appropriate to Gabriel Bouck the sum of $80 37;

No. 5, A., for an act to amend chapter 22, of the General Laws of 1858, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

No. 43, A., for an act to repeal chapter 11, of the General Laws of 1859, entitled "an act to authorize the judge of the Sixth Circuit to appoint a place for holding the circuit court in the county of Buffalo;"

No. 92, A., for an act to appropriate to E. Martin the sum of $30;

No. 93, A., for an act to appropriate to Hiram A. Stone the sum of $41 50.

GEO. BENNETT, *of Senate Com.*
A. WOOD, *of Assembly Com.*

The committee on Town and County Organization, to whom was referred

No. 63, S., a bill for an act to authorize the Board of Supervisors of the several counties of this State to appoint a superintendent of county poor;

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Have had the same under consideration, and have instructed me to report the same back to the Senate with amendments, and recommend its passage when so amended.

N. H. VIRGIN, *Ch'n.*

The committee on Judiciary, to whom was referred the following bills :

No. 7, A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of execution and proceedings supplementary thereto ;"

No. 70, S., a bill for an act relating to the publication of legal notices ;

And

No. 75, S., a bill for an act to amend chapter 205, of General Laws of 1859, entitled "an act to repeal so much of chapter 28, of the Revised Statutes, as authorizes or directs the appraisal of the School or University Lands," appoved March 25th, 1829 ;

Have had the same under consideration, and herewith report the same back with the recommendation that they severally do pass.

Said committee have also had under consideration,

No. 39, A., a bill for an act to repeal chapter 16, of the Revised Statutes, entitled "of duties of assessors in the collection of statistics ;"

And

No. 74, S., a bill for an act to repeal section 3, of chapter 120, of the Revised Statutes, "of courts held by justices of the peace ;"

And herewith report the same back, recommending their indefinite postponement.

Said committee have also had under consideration

No. 84, A., a bill for an act to limit the liability of counties in certain cases ;

And

No. 71, S., a bill for an act to amend chapter 7, of the Revised Statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass ;"

Which are herewith reported back without recommendation.

L. HANCHETT, *Ch'n.*

ASSEMBLY MESSAGES CONSIDERED.

J. Res. No. 14, A.,

Resolved, by the Assembly, the Senate concurring, That it is inexpedient to act upon any bill to reduce the capital stock of any bank or authorize a bank to remove its place of busi-

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ness until such bank shall have filed in the office of the Secretary of State the certificate of the vote of stockholders required by section 29 of the Banking Law, and that the Legislature will not reduce the capital stock to an amount less than the number of outstanding circulating notes at the time of application;

Was concurred in.

No. 137, A., a bill for an act to authorize towns to assess and collect additional school moneys in certain cases, and the town clerk to certify thereto;

Read first and second times, and

Referred to committee on School and University Lands.

BILLS ON THEIR THIRD READING.

The following bills were read a third time, passage concurred in and the title thereof agreed to:

No. 17. A., a bill for act to enable foreign executors and administrators to sue in the State of Wisconsin;

Also,

No. 31, A. a bill for an act to amend subdivision 4, of section 38, of chapter 6, of the Revised Statutes, entitled, of public printing, and of the publication and distribution of statutes, and other public documents;

Also,

No. 50, A., a bill for an act to incorporate the Hanover Street Congregational Society;

The ayes and noes were called for, and resulted as follows—ayes 13, noes 8.

Those who voted in the affirmative were:

Senators A. I. Bennett, G. Bennett, Comstock, Curtis, Decker, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Stewart and Taylor—13.

Those who voted in the negative were

Senators, Burdick, Cox, Ferguson, Rodolf, Simpson, Virgin, Washburn and Worthington—8.

And

No. 54, A., a bill for an act to amend section 31, of chapter 119, of the Revised Statutes, entitled, general provisions concerning courts of record, of the powers and duties of judges, and of attorneys and officers of court;

The ayes and noes were called for, and resulted os follows—ayes 11, noes 10.

Those who voted in the affirmative were

Senators A. I. Bennett, Comstock, Curtis, Decker, Gill,

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Hanchett, Masters, Phillips, Simpson, Virgin and Washburn —11.

Those who voted in the negative were

Senators G. Bennett, Burdick, Cox, Ferguson, Hotchkiss, Hutchinson, Rodolf, Stewart, Taylor, and Worthington—10.

On motion of Sen. Rodolf,

No. 56, A., a bill for an act to incorporate the Workmen's Relief Association of the city of Watertown,

Was referred to the committee on Incorporations, with instructions to report a bill incorporating in the General Law the object sought to be obtained by this bill, so far as they may deem it expedient.

On motion of Sen. Rodolf,

The Senate adjourned.

TUESDAY, JANUARY 31, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the Chair.

Roll called and quorum present.

On motion of Sen. Virgin,

The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Sen. Curtis:

Mem. No. 32, S., of H. Mertin and others, for the repeal of the Kilbourn City Dam charter;

To committee on Incorporations.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. A. I. Bennett:

No. 90, S., a bill for an act to prescribe the manner of let-

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ting and executing the public printing and binding, and to direct the mode of settling accounts for the same;

To joint committee on Printing.

By Sen. Virgin:

No. 91, S., a bill for an act to amend sub-division 8, of section 45, of chapter 23, of the Revised Statutes, entitled "of common schools;"

To Judiciary committee.

By Senator Eagan:

No. 92, S., a bill for an act to repeal chapter 216, of the General Laws of 1859, entitled an act to amend chapter 184, of the Revised Statutes, entitled "of inquests of the dead;"

To Judiciary committee.

RESOLUTIONS OFFERED AND CONSIDERED.

By Senator Worthington:

No. 34, S.,

Resolved, That the Bank Comptroller is hereby requested to communicate to the Senate any information he may possess in regard to evasions or violations of the Banking Law, by banks being engaged in circulating notes and having no real office for the redemption of the same, and without being engaged in the business of banking as defined by law;

Adopted.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

No. 21, S., a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit;

No. 69, S., a bill for an act to extend the time for the payment of taxes in the city of Beloit;

No. 15, S., a bill for an act relative to the printing of public documents;

No. 8, S., a bill for an act to amend chapter 133, of the Revised Statutes, entitled "of costs and fees."

GEO. BENNETT, *Ch'n.*

The committee on Engrossed Bills, have examined and compared

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled "an act to amend chapter 15, of the Revised Statutes, entitled 'of the assessment and collection of taxes;'"

Also

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No. 35, S., a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas;"

Also

No. 45, S., a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 84, S., a bill for an act to confer powers upon the committee of Investigation into the financial affairs of the county of Dane;

Also,

No. 14, A., a bill for an act to authorize persons having a lien upon real estate to pay the taxes upon the same;

Also,

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices;

Have had said bills under consideration, and herewith report the same back with amendments, recommending that they severally do pass when so amended.

HANCHETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 31st January, inst., they presented the following bills to the Governor for his approval and signature, to wit:

No. 53, A., a bill for an act to amend an act entitled, "an act to incorporate the Merchants' Mutual Insurance Company, of Milwaukee," and the several acts amendatory thereof;

No. 8, S., a bill for an act to amend chapter 133, of the Revised Statutes, entitled of "costs and fees;"

No. 15, S., a bill for an act relative to the printing of public documents;

No. 21, S., a bill for an act to prescribe the time for holding courts in the Third Judicial Circuit;

No. 69, S., a bill for an act to extend the time for the collection of taxes in the city of Beloit.

GEO. BENNETT, *of Sen. Com.*

The committee on Education, School and University Lands to whom was referred

No. 87, S., a bill for an act to legalize the proceedings of the district board of School District No. 5, of the town of Platteville;

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Have directed me to report the same back with recommendation that it pass.

Also

No. 137, A., a bill for an act to authorize towns to assess and collect additional school moneys in certain cases, and the town clerk to certify thereto;

And passage recommended.

HUTCHINSON, *Ch'n.*

BILLS ON THEIR THIRD READING.

The following bills were read a third time, passed, and the titles thereof agreed to:

No. 35, S., a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas;"

And

No. 45, S., a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers."

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

No. 101, A., a bill for an act to amend chapter 46, General Laws of 1859, entitled "an act for the formation of Town Insurance Companies;"

No. 36, A., a bill for an act to provide for the disposal and expenditure of the drainage fund in the county of Waushara;

No. 126, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Shawanaw county;

No. 125, A., a bill for an act to make certain records in Brown county evidence in certain cases;

No. 103, A., a bill for an act to amend section 2, of chapter 134, of the Revised Statutes, relative to executions and proceedings supplementary thereto;

No. 102, A., a bill for an act to amend section 75, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

No. 100, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of

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lands for unpaid taxes and the conveyance and redemption thereof;"

No. 70, A., a bill for an act to amend chapter 73 of the Revised Statutes, entitled "of joint stock companies;"

No. 35, A., a bill to change the name of Lucy Bell, and to establish her guardianship and heirship;

No. 80, A., a bill for an act to amend sections 66 and 84, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

M. C. No. 1, A., a memorial to Congress for a mail route from Waupaca to Shawanaw;

And

M. C. No. 2, A., a memorial to Congress for a mail route from Schleisingerville, in the county of Washington, to the village of New Castle, in the county of Fond du Lac;

And asks the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 22, S, a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of counties and county officers;"

No. 77, S., a bill for an act to provide for making new list of jurors for the county of Sheboygan.

The Assembly has passed

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has passed, and asks the concurrence of the Senate, in

No. 170, A., a bill for an act to extend the time for the payment and collection of the corporation taxes in the village of Oconto;

I am also directed to present to you for signature,

No. 53, A., an act to amend an act entitled "an act to incorporate the Merchant's Mutual Insurance Company of Milwaukee," and the several acts amendatory thereto;

No. 8, S., an act to amend chapter 33, of the Revised Statutes entitled "of costs and fees;"

No. 14, S., an act relative to the printing of public documents;

No. 21, S., an act to prescribe the time for holding courts in the Third Judicial Circuit;

No. 69, S., an act to extend the time for the collection of taxes in the city of Beloit;

Which have been signed by the Speaker.

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On motion of Senator Washburn,
The Senate went into

COMMITTEE OF THE WHOLE,

On the general file.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted

They further reported back the following bills, with the several recommendations accompanying the same:

No. 10, S., a bill for an act to permanently fix the compensation of officers and employees of the Legislature;

And,

No. 79, S., a bill for an act to appropriate to W. P. Towers the sum of $496 02;

And,

No. 62, A., a bill for an act to amend section 33 of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

And

No. 8, A., a bill for an act to reduce the capital stock of the Bank of Oshkosh;

And

No. 41, S., a bill for an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to Wm. Millard the right to keep and maintain a ferry across the Wisconsin river, in the towns of Prairie du Sac, Sauk county, and Black Earth, Dane county;

And

No. 28, A., a bill for an act to authorize the laying out of a State road from Eau Claire, in Eau Claire county, to Menomonee, in Dunn county;

And

No. 61, S., a bill to amend section 27, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

And

No. 43, S., a bill to appropriate to Hiram Bowen the sum of $50;

And

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison, to reduce its capital;

And

No. 48, S., a bill for an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17th, 1859;

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And

No. 18, A., a bill for an act to amend section 58, of the Revised Statutes, entitled "of highways and bridges;"

With the recommendation that they do pass.

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

With the recommendation that it be referred to the committee on Public Lands.

No. 49, S., a bill for an act to authorize payment to be made to the State Treasurer, and to the several county and town Treasurers, in the current bank bills of the banks of this State in all cases;

With an amendment, and the recommendation of indefinite postponement when so amended.

REPORT OF THE COMMITTEE OF THE WHOLE

Taken up.

Nos. 79, 41, 61, 43, 80, and 48 S,

Were ordered engrossed for a third reading.

Nos. 62, 8, 28 and 18, A.,

Were ordered to a third reading.

No. 10, S., having been once passed and re-considered,

The question occurred on the passage of the bill;

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Taylor, Thurbur, Virgin, Washburn, Worthington—21.

Those who voted in the negative were

Senators Gill, Hotchkiss, Maxon—3.

No. 49, S.,

Sen. Virgin, moved to recommit the bill to the committee on Finance;

Pending which,

Sen. Virgin moved to lay the bill on the table;

Carried.

Sen. Maxon moved that the further consideration of

No. 29, S., be postponed till to-morrow, at 11 o'clock, A. M., and that it be made the special order for that time;

The ayes and noes were called for, and

The motion was lost—ayes 10, noes 15.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Gill, Hotchkiss, Maxon, Rodolf, Simpson, Taylor, and Thurbur—10.

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Those who voted in the negative were,

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn, and Worthington—15.

The question occurring on the motion to re-commit the bill to the committee on Public Lands;

Sen. Rodolf moved to instruct the committee to report at an early day;

Which was carried;

And the bill was ordered to be re-committed.

On motion of Sen. Rodolf,

The Senate adjourned.

WEDNESDAY, FEBRUARY 1, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. McWright.

Roll called and quorum present.

On motion of Sen. Burdick,

The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Curtis:

No. 33, S., Mem. of A. H. Reed and 24 others, for the repeal of the Kilbourn City Dam charter;

To committee on Incorporations.

By Sen. Curtis:

No. 34, S., Mem. of V. E. Smith and 40 others, for the repeal of the Kilbourn City Dam charter;

To committee on Incorporations.

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By Sen. Curtis :
No. 35, S., Mem. of V. E. Runkle and 22 others, for the repeal of the Kilbourn City Dam charter ;
To committee on Incorporations.

By Sen. Curtis :
No. 36, S., Mem. of David Platt and 9 others, for the repeal of the Kilbourn City Dam charter ;
To committee on Incorporations.

By Sen. Curtis :
No. 37, S., Mem. of John Werner and 13 others, for the repeal of the Kilbourn City Dam charter ;
To committee on Incorporations.

By Sen. Curtis :
No. 38, S., Mem. of John A. Williams and 20 others for the repeal of the Kilbourn City Dam charter ;
To committee on Incorporations.

By Sen. Stewart :
No. 39, S., letter from Charles Solberg, in regard to the Governor's message, printed in Norwegian ;
To committee on Legislative Expenditures.

By Sen. Decker :
No. 40, S., petition of W. B. Lawrence and others relating to School Laws ;
To committee on Education, School and University Lands.

MEMORIAL TO CONGRESS.

By Sen. Davis :
No. 1, S., a memorial to the Congress of the United States in relation to the affairs of Indian tribes within the State of Wisconsin ;
To Judiciary committee.

ACCOUNTS,

Presented and referred.

By Sen. Hanchett :
No. 14, S., acct. of James M. Flower ;
To committee on Claims.

By Sen. G. Bennett :
No. 15, S., acct. of Hudson Fox ;
To committee on Claims.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. A. I. Bennett:

No. 35, S.,

Resolved, That the Standing Committee on Education, &c., be instructed to inquire what legislation, if any, is required to secure the education of pauper children in county poor houses, and secure to them their interest in the public school money;

Adopted.

BILLS, &c.

Introduced on leave granted, read first and second times, and referred.

By Sen. Virgin:

No. 93, S., a bill for an act regulating the publishing of legal advertisements;

To committee on Printing.

By committee on Banks and Banking:

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital;

To general file.

By the committee on Claims:

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534 56.

By the minority of committee on Claims:

No. 96, S., a bill for an act to appropriate to Chas. R. Gill the sum of $150.

By Sen. Phillips:

No. 97, S., a bill for an act to provide for the punishment of certain offences therein named;

To committee on Railroads.

By Sen. Hanchett:

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled "of the publication of legal decisions;"

To Judiciary committee.

REPORT OF COMMITTEES.

The committee on Enrolled Bills report that they have examined

No. 44, S., being a bill for an act to authorize Ephraim

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Kingsbury to erect and maintain a boom on the Wisconsin river, in Sauk county;

And find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*

The committee on Engrossed Bills have examined and compared

No. 43, S., a bill for an act to appropriate to Hiram Bowen the sum of $50;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on the Judiciary to whom was referred

No. 90, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Racine, from the years 1856 to 1859, inclusive;

Have had said bill under consideration, and herewith report the same back, with the recommendation that it pass.

Said committee have also had under consideration

No. 91, S, a bill for an act to amend sub-division three, sec. 45, chapter 23, of the Revised Statues, entitled "of common schools;"

And

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;

And herewith report the same back with amendments, recommending their passage when so amended.

Also

No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chap. 118, Revised Statutes;

Which I am instructed to report back with amendment, recommending the passage of the same as amended.

Also

No. 92, S., a bill for an act to repeal chap. 216 of the General Laws of 1859, entitled "an act to amend chap. 184 of the Revised Statutes, entitled 'of inquests of the dead;'"

Which I am instructed to report back without recommendation.

L. HANCHETT, *Ch'n.*

The committee on Claims to whom were referred accounts,

No. 12, S., the accounts of James Livesey for building two cisterns in the Capital park, for the use of the State;

No. 13, S., the account of James Livesey, for building ash house, for the use of the State;

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Have had the same under consideration, and would report them back by bill,

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534,56;

And would recommend that said bill do pass.

Also, the account,

No. 8, S., the account of Charles R. Gill, for services as counsel for Wm. T. Butler, in the case of the contested seat from the 14th district, between Wm. Chappel and Wm. T. Butler;

And recommend that it be disallowed.

Also, the bill

No. 72, S., a bill for an act to appropriate to Alexander W. Randall a sum of money therein named;

With an amendment, and recommend that it be adopted as amended.

Z. P. BURDICK, *Ch'n.*

Sen. Maxon, of the committee on Claims, made a minority report on account,

No. 8, S., by bill

No. 9, S., a bill for an act to appropriate to Charles R. Gill the sum of $150.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the Senate amendment to,

No. 17, A., a bill for an act to enable foreign executors and administrators to sue in the State of Wisconsin.

I am also directed to inform you that the Assembly has passed

No. 82, A., a bill for an act to amend section 1, of chapter 266, of the Private Laws of 1855, entitled "an act to amend an act entitled 'an act to amend an act to incorporate the Fort Winnebago, Baraboo Valley and Minnesota Railroad Company;'"

No. 140, A., a bill for an act to change the time of holding terms of circuit court for the county of Dane;

No. 153, A., a bill for an act to amend sections 2 and 3, of chapter 67, of the Private and Local Laws of 1859, entitled "an act to incorporate the La Pointe Iron Company," approved March 5th, 1859;

No. 89, A., a bill for an act releasing the directors of Star

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Rifle Co. of Oshkosh, Winnebago county, from the obligation of a certain bond;

No. 147, A., a bill for an act to appropriate to R. T. Lawton the sum of $162;

No. 148, A., a bill for an act to appropriate to Donaldson and Tredway, the sum of $172 50.

No. 145, A., a bill for an act to appropriate to Whitman, Wolf, Duff & Co., the sum of $322 20;

No. 134, A., a bill for an act to appropriate to S. R. Fox the sum of $133 93;

No. 135, A., a bill for an act to appropriate to Simon Sekles the sum of $133;

No. 146, A., a bill for an act to appropriate to Bliss, Eberhard & Festner, the sum of $427 58;

And ask the concurrence of the Senate in the same:

I am further directed to inform you that the Assembly has concurred in the passage of,

No. 40, S., a bill for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13;

No. 13, S., a bill for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society, the annual appropriation for the year 1859;

No. 26, S., an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named;

No. 24, S., an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named.

I am further directed to present to you for signature,

No. 94, A., an act to appropriate to Benjamin Williams the sum of $50;

Which has been signed by the Speaker.

MESSAGES FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:

I am directed to present to you for your signature

No. 13, A., an act to amend an act entitled "an act to incorporate the Milwaukee and Beloit Railroad Company," approved March 29th, 1855;

No. 31, A., an act to amend subdivision 4, of section 38, of chapter 6, of the Revised Statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents;

No. 50, A., an act to incorporate the Hanover Street Congregational Society;

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No. 54, A., an act to amend section 31, of chapter 119, of the Revised Statutes, entitled "general provisions concerning courts of record, of the powers and duties of judges, and of attorneys and officers of court;

Which have been signed by the Speaker.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, Madison, Jan. 30, 1860.

To the Senate:

The following entitled bill, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

An act to authorize the holding of a special term of Kenosha circuit court, in and for the county of Kenosha.

An act to amend chapter 133, of the Revised Statutes, entitled, "of costs and fees."

An act relative to the printing of public documents.

ALEX. W. RANDALL.

ASSEMBLY MESSAGES CONSIDERED.

Bills read first and second times and referred.

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

No. 125, A., a bill for an act to make certain records in Brown county evidence in certain cases;

No. 103, A., a bill for an act to amend section 2, of chapter 134, of the Revised Statutes, relative to executions and proceedings supplementary thereof;

No. 102, A., a bill for an act to amend section 75, of chapter 133, of the Revised Statutes, entitled "of cost and fees;"

No. 100, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes and the conveyance and redemption thereof;"

No. 35, A., a bill to change the name of Lucy Bell, and to establish her guardianship and heirship;

No. 170, A., a bill for an act to extend the time for the payment and collection of the corporation taxes in the village of Oconto;

Were referred to the Judiciary committee.

No. 36, A., a bill for an act to provide for the disposal and expenditure of the drainage fund in the county of Waushara;

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No. 126, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Shawanaw county;

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison, to reduce its capital;

Were referred to committee on Roads, Bridges and Ferries.

No. 70, A., a bill for an act to amend chapter 73, of the Revised Statutes, entitled "of joint stock companies;"

No. 101, A., a bill for an act to amend chapter 46, General Laws of 1859, entitled "an act for the formation of town insurance companies;"

Were referred to committee on Incorporations.

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

Referred to committee on Public Lands.

M. C. No. 1, A., memorial to Congress for a mail route from Waupaca to Shawanaw;

Referred to the committee on Federal Relations.

M. C. No. 2, A., memorial to Congress for a mail route from Schleisingerville, in the county of Washington, to the village of Newcastle, in the county of Fond du Lac;

Referred to the committee on Federal Relations.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and passed:

No. 62, A., a bill for an act to amend section 33 of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

And,

No. 8, A., a bill for an act to reduce the capital stock of the Bank of Oshkosh;

And,

No. 41, S., a bill for an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin River, in the town of Prairie du Sac, Sauk county, and Black Earth, Dane county;"

And,

No. 28, A., a bill for an act to authorize the laying out of a State road from Eau Claire, in Eau Claire county, to Menomonee, in Dunn county;"

And,

No. 61, S., a bill to amend section 27, of chapter 132, of

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the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

And,

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison, to reduce its capital;"

And,

No. 48, S., a bill for an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17, 1859;

No. 18, A., a bill for an act to amend section 58, of the Revised Statutes, entitled "of highways and bridges;"

No. 43, S., a bill to appropriate to Hiram Bowen, the sum of $50;

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—24.

None voting in the negative.

No. 79, S., a bill for an act to appropriate to W. P. Towers the sum of $496 02;

The ayes and noes being required,

The bill was passed by the following vote:

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Fratt, Gill, Hanchett, Hotchkiss, Masters, Maxon, Rodolf, Simpson, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—22.

Senator Ferguson voted in the negative.

Sen. Worthington moved that the Senate resolve itself into

COMMITTEE OF THE WHOLE

On the Governor's Message.

The ayes and noes were called for, and

The motion prevailed.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Eagan, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Stewart, Washburn and Worthington—15.

Those who voted in the negative were

Senators Decker, Ferguson, Fratt, Gill, Maxon, Rodolf, Simpson, Sweat, Thurbur and Virgin—10.

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Sen. Hutchinson in the Chair.

After some time spent therein, the committee rose and reported

That the committee had under consideration the Governor's Message, and recommended

That so much thereof as referred to the subject of finance, be referred to the committee on Finance ;

That so much as referred to the subject of schools and school funds, be referred to the committee on Education, School and University Lands ;

That so much as referred to the subject of printing, be referred to the committee on Printing ;

That so much as referred to the asylums for the Insane, Blind, and Deaf and Dumb, be referred to the committee on Benevolent Institutions ;

That so much as referred to the State Reform School and the State Prison, be referred to the committee on State Prison ;

That so much as referred to the subject of Banks, be referred to the committee on Banks and Banking ;

That so much as referred to the subject of slavery, be referred to the Judiciary committee ;

That so much as referred to the riots at Harper's Ferry be refered, to the Judiciary committee.

That so much as referred to the subject of statistics and the rate of interest, be referred, to the committee on Finance.

That so much as relates to Railroads, be referred to the committee on Railroads.

That so much as referred to the subject of Capitol enlargement, be referred, to the committee on State Affairs.

That as much as referred to the Adjutant General's report, be referred to the committee on Militia.

That as much as referred to the Geological Survey, be referred, to the joint committee on Investigation.

That so much as relates to the rapid increase of the blacks in warm climates, be referred, to the committee on Agriculture.

With instructions to inquire and report, whether it is not the intention of the Governor to transfer the institution of slavery into the free territories of the north.

REPORT OF THE COMMITTEE OF THE WHOLE

Was taken up, and adopted, except as hereinafter amended.

Sen. Hotchkiss moved to amend that portion of the report which relates to the Geological Survey, by adding the following:

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"And that the committee be instructed to report at an early day, whether, in their opinion, the survey has been conducted in an efficient and economical manner;

Carried.

The question occurring on the adoption of that part of report as amended,

It was adopted.

Sen. Simpson moved to amend the report by referring to the committee on Federal Relations, that portion of the Message which refers to the subject of slavery;

The amendment was adopted, and

That portion of the Message was so referred.

Sen. A. I. Bennett moved to amend the report by referring to the committee on Federal Relations, that portion of the Message which refers to the subject of riots at Harper's Ferry;

The amendment was adopted, and

That portion of the Message was so referred.

Sen. Simpson moved that so much of the Governor's Message as relates to "faith without works is dead," be referred to the committee on Benevolent Institutions;

Lost.

Sen. Rodolf moved that so much of the Governor's Message as refers to "the leaf of our history not yet turned over," be referred to the committee on Legislative Expenditures;

Sen. Comstock moved to amend by referring it to the Secretary of the State Historical Society;

The amendment was adopted.

The question occurring on the original motion as amended,

The motion was lost.

Sen. Maxon moved that the portion of the Message which refers to Swamp Lands, be referred to the committee on Claims;

Sen. Curtis moved to amend by referring it to the joint committee of Investigation;

Withdrawn.

Sen. Curtis moved to amend by referring it to the committee on Public Lands;

The amendment was adopted.

The question occurring on the original motion as amended,

The motion prevailed.

Sen. Hotchkiss moved that the portion of the Message which relates to "a halter," be referred to the committee on Legislative Expenditures, with instructions to procure one for the use of the State;

The ayes and noes being called for,

The vote resulted as follows—ayes 5, noes 19:

Those who voted in the affirmative were

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Senators Ferguson, Fratt, Gill, Maxon and Simpson—5.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Stewart, Sweat, Virgin, Washburn and Worthington—19.

Sen. A. I. Bennett moved to lay the message on the table;

Carried.

Sen. Simpson moved to reconsider the vote by which the message was laid on the table;

The ayes and noes were called for, and

The motion prevailed—ayes 14, noes 12.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Comstock, Cox, Davis, Eagan, Fratt, Gill, Hanchett, Hutchinson, Phillips, Rodolf, Simpson and Washburn—14.

Those who voted in the negative were

Senators Burdick, Curtis, Decker, Ferguson, Hotchkiss, Masters, Maxon, Stewart, Sweat, Thurbur, Virgin and Worthington—12.

The question occurring on the motion of Sen. A. I. Bennett to lay the motion on the table;

The motion was lost.

Sen. Gill moved that so much of the message as relates to the rapid increase of the blacks in warm climates, be referred to the committee on Agriculture with instructions to inquire and report whether it is not the intention of the Governor to transfer the institution of slavery into the free territories of the north;

Sen. Davis moved to amend by referring it to the late Superintendent of Public Instructions;

Motion ruled out of order.

The question occurring on Sen. Gill's motion,

The ayes and noes were called for, and

The motion was lost—ayes 12, noes 14.

Those who voted in the affirmative, were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Thurbur and Worthington—12.

Those who voted in the negative, were

Senators A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin and Worthington—14.

Sen. Hotchkiss moved that so much of the Governor's Message as relates to local legislation be referred to the committee on Town and County Organization;

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Carried.

Sen. Rodolf moved to concur in the report of the Committee of the Whole;

Withdrawn.

Sen. Rodolf moved that further consideration of the Governor's Message be laid on the table;

Pending which,

On motion of Sen. Virgin,

Senate adjourned.

THURSDAY, FEBRUARY 2, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Walters.

Roll called and a quorum present.

On motion of Sen. Masters,

The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Simpson:

No. 41, S., memorial of Oliver S. Wescott and 180 others, for the passage of a law requiring Railroad Companies to build fences;

To committee on Railroads.

By Sen. Sweat:

No. 42, S., memorial from board of supervisors of Dane county, in regard to investigations into the financial affairs of Dane county;

To general file.

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ACCOUNTS,

Presented and referred.

By Sen. Taylor:
No. 16, S., acct. of John D. Welch;
To committee on Claims.

By Sen. Hutchinson:
No. 17, S., acct. of C. W. Lawton;
To Judiciary committee.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Hutchinson:
No. 99, S., a bill for an act to incorporate the LaCrosse Valley Seminary;
To committee on Incorporations.

By Senator Davis:
No. 100, S., a bill for an act to provide for the proper indexing of the laws;
To Judiciary committee.

By Senator Rodolf:
No. 101, S., a bill for an act to amend chapter 263, of the Private and Local Laws of 1857, entitled "an act to incorporate the Muscoda and Richland Bridge Company;"
To committee on Roads, Bridges and Ferries.

By committee on Claims:
No. 102, S., a bill for an act to appropriate to Hudson Fox the sum of $125;
To general file.

By Committee on Banks and Banking:
No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital, and remove its place of business;
To general file.

By Sen. Simpson:
No. 104, S., a bill for an act to prescribe the time for holding the terms of the circuit court in LaFayette county, in the Fifth Judicial Circuit;
Sen. Simpson moved a suspension of the rules, in order to pass bill
No. 104, S.;
Carried.
The question occurring on the passage of the bill,
The bill was passed, and title agreed to.

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RESOLUTIONS OFFERED AND CONSIDERED.

By Sen. Hutchinson:

Res. No. 37, S.,

Resolved, That account No. 17, S., be referred to the Judiciary committee, with instructions to enquire and report whether, in their opinion, the acts of the Legislature authorizing the laying out State roads, impose any obligations upon the counties through which such State roads are laid, to pay any sum whatever; and if not, whether there is any liability over against the State, notwithstanding the proviso in such act, by reason of authorizing work to be done, and providing an unavailable source of compensation;

Adopted.

REPORTS OF COMMITTEES.

The committee on Public Lands, to whom was referred bill No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

Report the same back and recommend its passage.

J. W. STEWART, *Ch'n.*

The committee on Enrolled Bills report that they have examined and compared the following bills and find them correctly enrolled, viz:

No. 22, S, a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 77, S., a bill for an act to provide for making new list of jurors for the county of Sheboygan;

No. 13, S., for an act to authorize the Secretary of State to audit the Manitowoc Agricultural Society the annual appropriation for the year 1859.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 2nd instant, they presented to the Governor, for his approval, the following bills, viz:

No. 54, A., a bill for an act to amend section 31, of chapter 119, of the Revised Statutes, entitled "general provisions concerning courts of record, of the power and duties of judges and attorneys, and officers of courts;"

No. 50, A., a bill for an act to incorporate the Hanover Street Congregational Society;

No. 13, A., a bill for an act to amend an act, entitled "an

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act to incorporate the Milwaukee and Beloit Railroad Company," approved March 29, 1855;

No. 31, A., a bill for an act to amend sub-division 4, of sec. 38, of chap. 6, of the Revised Statutes, entitled "of the public printing and of the publication and distribution of statutes and other public documents;"

No. 94, A., a bill for an act to appropriate to Benjamin Williams the sum of $50.

GEO. BENNETT, *of Senate.*
A. WOOD, *of Assembly.*

The committee on Incorporations to whom was referred

No. 58, S., entitled "a bill for an act to confer certain powers upon the trustees of the village of Monroe;"

Have had the same under consideration and instructed me to report the same back to the Senate and recommend its passage.

M. W. SEELEY, *Ch'n.*

The committee on Banks and Banking to whom was referred

No. 56, S., a bill to authorize the Mechanic's Bank of Green Lake to remove to Whitewater;

Report the same back and recommend its passage.

The committee also report back,

No. 9, A., a bill for an act to authorize the Green Bay Bank to reduce its capital, and remove its place of business;

And recommend that it be indefinitely postponed; a new bill having been introduced for the same purpose.

D. WORTHINGTON, *Ch'n.*

On motion of Sen. Worthington, said bill

No. 9, A.,

Was indefinitely postponed.

The committee on Claims to whom was referred account

No. 15, S., the acct. of Hudson Fox, sheriff of Kenosha county, for conveying Robert Allen, Edward Swaney and J. E. Robinson, convicts to States Prison, at Waupun;

Have had the same under consideration, and report the same back by bill

No. 102, S., a bill for an act to appropriate to Hudson Fox, the sum of $125;

And recommend that said bill do pass.

Also the account

No. 14, S., the acct. of James M. Flowers, for services rendered as assistant and clerk in preparing Revised Statutes for publication, and indexing the same;

Have had it under consideration, and report it back with the recommendation that it be disallowed.

Z. P. BURDICK, *Ch'n.*

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Sen. Maxon moved that said account,
No. 14, S.,
Be referred to the Judiciary committee;
Carried.

The committee on Judiciary, to whom was referred
Mem. No. 1, S., in relation to the affairs of Indian tribes within the State of Wisconsin;
Also,
No. 100, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;
Also,
No. 103, A., a bill for an act to amend section 2, of chapter 134, of the Revised Statutes, relative to executions and proceedings supplementary thereto;
Also,
No. 170, A., a bill for an act to extend the time for the payment and collection of the corporation taxes in the village of Oconto;
Also,
No. 88, S., a bill for an act to authorize the issuing patents to deceased persons, in certain cases;
Have had said memorial and bills under consideration, and herewith report the same back, with the recommendation that they severally do pass.
Said committee have also had under consideration,
No. 14, S., a bill for an act to repeal chapter 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller and prescribing his duties;"
And herewith report the same back with an amendment, recommending its passage when so amended.

HANCHETT, *Ch'n.*

Sen. Davis moved a suspension of rules in order to pass said memorial to Congress,
No. 1, S.,
And bill
No. 170, A.;
Carried.
Said memorial to Congress,
No. 1, S., was then ordered to a third reading, and passed.
No. 170, A., was then ordered to a third reading and passed.

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MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 186, A., a bill for an act to authorize the levying and collection of a special tax in that portion of joint school district No. 9, in the towns of Fox Lake and Randolph, being in the town of Fox Lake;

No. 197, A., a bill for an act to appropriate to Church & Hawley the sum of $2,985;

And asks the concurrence of the Senate in the same.

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. 147, A., a bill for an act to appropriate to R. T. Lawton the sum of $162;

No. 148, A., a bill for an act to appropriate to Donaldson and Treadway the sum of $172 50;

No. 145, A., a bill for an act to appropriate to Whitman, Wolf, Duff & Co., the sum of $322 20;

No. 134, A., a bill for an act to appropriate to S. R. Fox the sum of $133 93;

No. 135, A., a bill for an act to appropriate to Simon Sekles the sum of $133;

No. 146, A., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $427 53;

To general file.

No. 140, A., a bill for an act to change the time of holding terms of circuit court for the county of Dane;

No. 153, A., a bill for an act to amend sections 2 and 3, of chapter 67, of the Private and Local Laws of 1859, entitled "an act to incorporate the La Pointe Iron Company," approved March 5th, 1859;

No. 89, A., a bill for an act releasing the directors of Star Rifle Co., of Oshkosh, Winnebago county, from the obligation of a certain bond;

To Judiciary committee.

No. 82, A., a bill for an act to amend section 1, of chapter 266, of the Private Laws of 1855, entitled "an act to amend an act entitled 'an act to amend an act to incorporate the Fort Winnebago, Baraboo Valley and Minnesota Railroad Company;'"

To committee on Railroads.

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On motion of Sen. Maxon,
The Senate went into

COMMITTEE OF THE WHOLE

On the general file;
Sen. Hotchkiss in the chair.
After some time spent therein, the committee rose, reported progress and asked leave to sit again.
Leave was granted.
They further reported back the following bills, with the several recommendations accompanying the same:
No. 82, S., a bill for an act to authorize the Tradesman's Bank to reduce its capital stock;
And
No. 83, S., a bill for an act to permit the Bank of Oconto to reduce its capital stock;
And recommend that they do pass.
No. 21, A., a bill for an act to amend section 217, of chapter 120, of the Revised Statutes, entitled "of courts held by justices of the peace;
And
No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;
And
No. 68, S., a bill for an act to amend chapter 97, of the Laws of 1849, being the charter of Carroll College;
And
No. 84, S., a bill for an act to confer powers upon the committee of Investigation into the financial affairs of the county of Dane;
And
J. Res. No. 5, S.,
Proposing to amend section 8, of article 1, of the Constitution of Wisconsin;
With amendments, and recommendation to pass when so amended.

REPORT OF THE COMMITTEE OF THE WHOLE,

Taken up.
Nos. 34, 83, 82 and 68, S., and
J. Res. No. 5, S.,
Were ordered engrossed for a third reading.
No. 21, A.;
The ayes and noes being called for,

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The bill was ordered to a third reading by the following vote —ayes 18, noes 9 :

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Virgin, Washburn and Worthington—18.

Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hotchkiss, Maxon, Sweat and Thurbur—8.

Sen. Sweat moved that the rules be suspended in order to pass bill

No. 84, S.,

The motion prevailed, the bill passed, and title agreed to.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT :

I am directed to present to you for signature

No. 8, A., a bill for an act to reduce the capital stock of the Bank of Oshkosh;

No. 18, A., a bill for an act to amend section 58, of chapter 19 of the Revised Statutes, entitled "of highways and bridges;"

No. 28, A., a bill for an act to authorize the laying out of a State road from Eau Claire, in Eau Claire county, to Monomonec, in Dunn county;

No. 62, A., a bill for an act to amend section 33, of chapter 133 of the Revised Statutes, entitled "of costs and fees;"

No. 13, S., a bill for an act to authorize the Secretary of State to audit the Manitowoc County Agricultural Society the annual appropriation for the year 1859;

No. 44, S., a bill for an act to authorize Ephriam Kingsbury to erect and maintain a boom on the Wisconsin river in Sauk county;

No. 22, S., an act to amend chapter 13 of the Revised Statutes, entitled "of counties and county officers;"

No. 77, S., a bill for an act to provide for making new lists of jurors for the county of Sheboygan ;

Which have been signed by the Speaker.

The Assembly has passed

No. 65, A., a bill for an act to repeal chapter 168, of the General Laws of 1859, entitled "an act to provide for and defining the mode of assessing the value of lands appropriated by any railroad company, and damages resulting from the loca-

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tion, construction and operation of its line of road in this State;"

No. 85, A., a bill for an act to amend chapter 91, of the laws of 1858, entitled "an act to provide for the protection of stockholders of railroad corporations;"

No. 104, A., a bill for an act to amend section 9 of chapter 183, of Revised Statutes, entitled "of offences cognizable before justices of the peace;"

No. 109, A., a bill for an act to authorize the town of Half Moon, in the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river, in said town;

No. 115, A., a bill for an act to legalize certain proceedings of county courts and courts of probate;

No. 158, A., a bill to amend chapter 222, of the Session Laws of 1859, entitled "an act to change the name of Amanda Louisa Crumb, to Amanda Louisa Brond;"

And asks the concurrence of the Senate in the same.

Sen. Masters moved that the Assembly Message be now considered, and

The motion prevailed.

Sen. Masters moved to suspend all rules in order to pass bill

No. 197, A., a bill for an act to appropriate to Church & Hawley the sum of $2,985;

The motion prevailed.

The question occurring on the passage of the bill,

Sen. A. I. Bennett moved to amend the bill by striking out $2,985 and inserting $2,354;

The ayes and noes being called for,

The amendment was lost—ayes 12, noes 14.

Those who vote in the affirmative, were

Senators A. I. Bennett, Burdick, Davis, Fratt, Hanchett, Hutchinson, Rodolf, Seeley, Stewart, Virgin, Washburn and Worthington—12.

Those who voted in the negative, were

Senators G. Bennett, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Gill, Hotchkiss, Masters, Maxon, Simpson, Sweat and Taylor—14.

The question occurring on the passage of the bill, and

The ayes and noes being required,

The bill was passed—ayes 15, noes 10:

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Simpson, Sweat, Taylor and Virgin—15.

Those who voted in the negative were

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Senators A. I. Bennett, G. Bennett, Burdick, Davis, Fratt, Hanchett, Seeley, Stewart, Washburn and Worthington—10.

Sen. Ferguson moved to suspend all rules in order to pass

No. 186, A., a bill for an act to authorize the levying and collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Randolph, being in the town of Fox Lake;

Motion prevailed.

The question occurring on the passage of the bill, and

The ayes and noes being required,

The bill passed—ayes 23, noes 1.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hotchkiss, Masters, Maxon, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Washburn and Worthington—24.

Sen. Virgin voted in the negative.

Sen. Hanchett asked leave of absence till Saturday of next week;

Granted.

Sen. Simpson asked leave of absence till Wednesday next;

Granted.

Sen. Curtis asked leave of absence till Tuesday next;

Granted.

Sen. Hotchkiss moved that when the Senate adjourns tomorrow, it adjourn till 3 o'clock, P. M., of Tuesday next;

Pending which,

On motion of Sen. Seeley,

Senate adjourned.

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FRIDAY, February 3, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called and a quorum present.
On motion of Sen. ———,
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Sen. Virgin:
No. 42, S., petition of John Kember, and 162 others, asking for the division of Grant county into three counties;
To committee on Town and County Organization.

Sen. Hotchkiss asked leave of absence for Sen. Thurbur for one week;
Granted.
Sen. Sweat asked leave of absence for Sen. Decker for one week;
Granted.
Sen. Worthington asked leave of absence for Sen. Stewart for one week;
Granted.
Sen. Gill asked leave of absence for Sen. Ferguson till next Monday night;
Granted.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Sweat:
No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"
To Judiciary committee.

By Sen. Washburn:
No. 106, S., a bill for an act to amend chapter nine, of the Revised Statutes, entitled "of the Legislature;"
To committee on State Affairs.

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By Senator Hutchinson:

No. 107, S., a bill for an act to amend section 1, of chapter 166, of the Revised Statutes, entitled "of forgery and counterfeiting;"

To Judiciary committee.

By committee on Claims:

No. 108, S., a bill for an act to appropriate to John D. Welch the sum of $40 50;

To general file.

By committee on Printing:

No. 109, S., a bill for an act to appropriate to S. D. Carpenter a sum of money therein named;

To general file.

By Senator Rodolf:

No. 110, S., a bill for an act to authorize the county treasurer of the county of Richland for the year 1859, to make list of returned lands, with taxes and charges thereon, on the second Monday of May, in the year 1860;

To committee on Finance.

By committee on Banks and Banking:

No. 111, S., a bill for an act to authorize the Forest City Bank to reduce its capital;

And

No. 112, S., a bill for an act to authorize the Shawanaw Bank to reduce its capital.

Senator Worthington moved to suspend the rules in order to pass said bills

Nos. 111 and 112, S.;

Carried.

The bills were then passed and the titles agreed to.

ACCOUNTS, &c.,

Presented and referred.

By Senator Comstock:

No. 18, S., account of Candee, Dibble & Co.;

To committee on Claims.

REPORT OF COMMITTEES.

The joint committee on Printing, to whom was referred the memorial of Carpenter and Hyer, have had the same under consideration, and have instructed me to report the accompanying bill, No. 109, S., and recommend its passage.

R. H. HOTCHKISS, *Ch'n*

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The committee on Claims to whom was referred account

No. 16, S., the account of John D. Welch, for conveying convicts to State prison at Waupun,

Have had the same under consideration and would report it back by bill,

No. 107, S., a bill for an act to appropriate to John D. Welch the sum of $40 50;

And recommend that said bill do pass;

Also the account,

No. 10, S., the account of John Bonson, as witness for the State,

Have considered the same, and report it back with the recommendation that it be referred to the committee on the Judiciary.

Z. P. BURDICK, *Ch'n.*

The committee on Enrolled Bills report that they have compared and examined the following bills, and find them correctly enrolled, viz:

Bill No. 26, S., for an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named, $75;

Bill No. 24, S., for an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named;

Bill No. 40, S., for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 3d instant, they presented to the Governor, for his approval, the following bills, viz:

No. 22, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 77, S., a bill for an act to provide for making new lists of jurors for the county of Sheboygan;

No. 18, A., a bill for an act to amend section 58, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

No. 8, A., a bill for an act to reduce the capital stock of the Bank of Oshkosh;

No. 28, A., a bill for an act to authorize the laying out of a State road from Eau Claire, in Eau Claire county, to Menomonee, in Dunn county;

No. 62, A., a bill for an act to amend section 33, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

No. 13, S., a bill for an act to authorize the Secretary of State to audit the Manitowoc County Agricultural Society, the annual appropriation for the year 1859;

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No. 44, S., a bill for an act to authorize Ephraim Kingsbury to erect and maintain a boom on the Wisconsin river, in Sauk county.

GEO. BENNETT, *of Senate Com.*

The committee on Engrossed Bills have examined and compared

No. 68, S., a bill for an act to amend chapter 97, of the laws of 1849, being the charter of Carroll College;

Also,

Joint Resolution proposing to amend section 8, of article 1, of the Constitution;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The Railroad committee, to whom was referred bill

No. 59, S.,

Have had the same under consideration, and recommend its passage as amended.

Also,

Bill No. 53, S.,

Has been considered, and the passage of the same recommended as amended;

Also,

Bill No. 82, A.,

Has been under consideration, and the passage of the same recommended.

PHILLIPS, *Ch'n.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times, and referred:

No. 65, A., a bill for an act to repeal chapter 168, of the General Laws of 1859, entitled "an act to provide for and defining the mode of assessing the value of lands appropriated by any railroad company, and damages resulting from the location, construction and operation of its line of road in this State;"

No. 85, A., a bill for an act to amend chapter 91, of the laws of 1858, entitled "an act to provide for the protection of stockholders of railroad corporations;"

To committee on Railroads.

No. 104, A., a bill for an act to amend section 9, of chapter 183, of Revised Statutes, entitled "of offences cognizable before justices of the peace;"

No. 115, A., a bill for an act to legalize certain proceedings of county courts and courts of probate;

No. 158, A., a bill to amend chapter 222, of the Session

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Laws of 1859, entitled "an act to change the name of Amanda Louisa Cramb, to Amanda Louisa Brand;"

To Judiciary committee.

No. 109, A., a bill for an act to authorize the town of Half Moon, in the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river, in said town;

To committee on Roads, Bridges and Ferries.

BILLS ON THEIR THIRD READING.

Bill No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15, of the Revised Statutes, entitled, of the assessment and collection of taxes;

Sen. Maxon moved that the bill be again placed in the general file;

Sen. A. I. Bennett moved that the further consideration of the bill be postponed till Wednesday next;

Withdrawn.

The question occurring on the motion of Sen. Maxon,

The motion prevailed.

Bill No. 68, S., a bill for an act to amend chapter 97, of the laws of 1849, being the charter of Carroll College;

Was read a third time, passed, and the title thereof agreed to.

J. Res. No. 5, S.,

Proposing to amend section 8, of article 1, of the Constitution,

Was read a third time, passed, and the title thereof agreed to.

Sen. Comstock moved to take from the table

J. Res. No. 13, A.,

Relative to the investment of capital in the manufacturing business;

Carried.

Sen. Maxon moved to amend the resolution by inserting the word "agriculture," before the word "manufacture;"

Sen. Gill moved to amend the amendment by adding, "and the interest and welfare of the legal profession;"

Withdrawn.

The question occurring on Sen. Maxon's amendment,

The ayes and noes were called for,

And the motion was lost—ayes 9, noes 11.

Those who voted in the affirmative were,

Senators A. I. Bennett, Burdick, Fratt, Gill, Masters, Maxon, Phillips, Seeley and Washburn—9.

Those who voted in the negative were,

Senators G. Bennett, Comstock, Cox, Davis, Eagan, Hotchkiss, Hutchinson, Rodolf, Sweat, Virgin, and Worthington—11

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Sen. Gill then renewed his motion to amend;

Sen. Rodolf moved to amend the amendment by adding, "and that the said committee be further instructed to inquire into and report upon the expediency of the passage of the 'Dog Law;'"

Adopted.

The question occurring on Sen. Gill's motion as amended,

The motion was lost.

The question then occurring on the original resolution without amendment;

The resolution was adopted.

The President appointed

Senators Sweat and Phillips, the committee on the part of the Senate, authorized by said joint resolution.

On motion of Sen. Sweat,

ASSEMBLY MESSAGE CONSIDERED,

Senator Sweat moved to suspend the rules, in order to pass bill

No. 191, A., a bill for an act to extend the time for the collection of taxes in the city of Madison;

The motion prevailed,

And the bill was passed.

No. 136, A., a bill for an act to appropriate to C. W. Bennett the sum of $65;

Was read first and second times, and referred to general file.

Senator Rodolf moved to suspend the rules in order to pass,

No. 209, A., a bill for an act to provide for holding the first term of the circuit court of the county of Iowa, for the year 1860;

The motion prevailed,

And the bill was passed.

Senator Hutchinson moved that a committee of three, on the part of the Senate, be appointed to confer with a committee of the Assembly, in regard to bill No. 7, S.;

The motion prevailed,

And the President appointed,

Senators Eagan, Hutchinson, and Masters.

Senator Worthington moved that the Senate proceed to elect a President *pro tem.*

Senator Maxon objected, that the Senate could not elect a President *pro tem.*, except in the absence or inability of the Lieut. Governor.

The President overruled the objection, and

The Senate proceeded to the election of a President, *pro tem.*

Sen. Davis received twelve votes;

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Sen. Maxon received seven votes;
Sen. Rodolf received one vote, and
Sen. A. I. Bennett received one vote.
Those who voted for Sen. Davis were
Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Hutchinson, Masters, Phillips, Seeley, Virgin, Washburn and Worthington.
Those who voted for Sen. Maxon were
Senators Eagan, Fratt, Gill, Hotchkiss, Rodolf, Sweat and Taylor.
Sen. Maxon voted for Sen. Rodolf, and
Sen. Davis voted for Sen. A. I. Bennett.
Sen. Davis, having received the highest number of votes, was declared President, *pro tem.* of the Senate.
Sen. Fratt moved to take from the general file
No 90, A., and
The motion prevailed.
Sen. Fratt moved that all rules be suspended, in order to pass said bill, No. 90, A.;
Carried.
The ayes and noes being required,
The bill was passed—ayes 19, noes nothing.
Those who voted in the affirmative were
Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Fratt, Gill, Masters, Maxon, Phillips, Rodolf, Seeley, Sweat, Taylor, Virgin, Washburn and Worthington—19.
Sen. Gen. Bennett asked leave of absence till Tuesday next;
Granted.
Sen. Worthington asked leave of absence till Tuesday next;
Granted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof,

MR. PRESIDENT:

I am directed to inform you that the Assembly insists upon its amendment to

No. 7, S., a bill for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment thereof;

And asks for a committee of conference.

Messrs. Bovay, Griswold and Patchin have been appointed committee on the part of the Assembly.

I am also directed to inform you that the Assembly has passed

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No. 209, A., a bill for an act to provide for holding the first term of the circuit court of the county of Iowa, for the year 1860;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature,

No. 170, A., an act to extend the time for the payment and collection of the corporation taxes in the village of Oconto;

No. 17, A., an act to enable foreign executors and administrators to sue in the State of Wisconsin;

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has passed

No. 191, A., a bill for an act to extend the time for the collection of taxes in the city of Madison;

No. 136, A., a bill for an act to appropriate to C. W. Bennett the sum of $65;

And asks the concurrence of the Senate in the same.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. PRESIDENT:

I am directed to present to you for your signature,

No. 197, A., a bill for an act to appropriate to Church & Hawley, the sum of $2,985;

Which has been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof.

Mr. PRESIDENT:

I am directed to present for signature

No. 40, S., a bill for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13;

No. 24, S., a bill for an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named;

No. 26, S., a bill for an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named, $75.

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has passed

No. 117, A., a bill for an act concerning the terms of court in the fourth judicial circuit.

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And asks the concurrence of the Senate in the same.

Sen. A. I. Bennett moved that when the Senate adjourn this day, it be to meet at 9 o'clock to-morrow, and that when the Senate adjourn to-morrow, it be to meet at 4 o'clock on Tuesday next; and

The motion prevailed.

Sen. Gill moved to reconsider the vote by which Sen. A. I. Bennett's motion prevailed;

Carried.

Sen. Virgin moved that the Senate take a recess till 4 o'clock, this P. M.;

Lost.

Sen. Eagan moved to amend Sen. A. I. Bennett's motion a follows: "That when the Senate adjourns, it do adjourn till Wednesday next at 10 o'clock;

The ayes and noes were called for, and

The amendment was lost by the following vote—ayes 2, noes 17.

Those who voted in the affirmative were

Senators Eagan and Fratt—2.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Taylor, Virgin, Washburn, and Worthington —17.

Senator Gill moved to amend Senator A. I. Bennett's motion as follows, "When the Senate adjourns, it be to 4 o'clock this afternoon, and that the next adjournment be till Tuesday next, at 4 o'clock, P. M."

The amendment was adopted.

The question recurring on the original motion as amended,

The motion prevailed.

Sen. Maxon moved to reconsider the vote by which J. Res. No. 5, S., was passed, and

The motion prevailed.

Sen. Maxon moved to postpone the further consideration of the resolution till Tuesday next, and

The motion prevailed.

Sen. Maxon moved to suspend all rules in order to pass bill No. 135, A.;

Carried.

The ayes and noes being required,

The bill was passed—ayes 20, noes none.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Fratt, Gill, Hotchkiss, Hutchinson, Mas-

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ters, Maxon, Phillips, Rodolf, Seeley, Taylor, Virgin, Washburn and Worthington—20.

None voting in the negative.

Sen. Hotchkiss moved that the Senate go into Committee of the Whole;

Lost.

On motion of Sen. Rodolf,

Senate adjourned till 4 o'clock, this P. M.

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4 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and a quorum present.

On motion of Sen. A. L. Bennett,

Reading of the journal of this morning was dispensed with.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared

No. 84, S., a bill for an act to authorize the service of process by publication in certain cases;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 3d instant, they presented to the Governor, for his approval, the following bills, viz:

No. 17, A., for an act to enable foreign executors and administrators to sue in the State of Wisconsin;

No. 170, A., for an act to extend the time for the payment and collection of the corporation taxes in the village of Oconto;

No. 40, S., a bill for an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13;

No. 24, S., a bill for an act to appropriate to James W. Polleys, late sheriff of LaCrosse county, the sum of money therein named;

No. 197, A., a bill for an act to appropriate to Church & Hawley the sum of $2,985;

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No. 26, S., a bill for an act to appropriate to James Fisher sheriff of Crawford county, the sum of money therein named—$75.

GEO. BENNETT, *of Senate Com.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred:

No. 117, A., a bill for an act concerning the terms of court in the fourth judicial circuit;

To committee on Judiciary.

BILLS ON THEIR THIRD READING.

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases.

Senator Washburn moved that the bill be recommitted to the Judiciary committee.

Senator Maxon moved to amend by instructing the committee to report on Wednesday next;

The amendment was adopted.

The question occurring on the motion as amended, the motion prevailed.

No. 21, A., a bill for an act to amend section 217, in chap. 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

The ayes and noes were called for, and

The Senate refused to concur in the passage of the bill by the following vote—ayes 5, noes 14:

Those who voted in the affirmative were

Senators Comstock, Maxon, Phillips, Seeley and Washburn—5.

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Cox, Davis, Eagan, Fratt, Gill, Hotckiss, Hutchinson, Masters, Rodolf, Taylor, Virgin, and Worthington—14.

No. 82, S., a bill for an act to authorize the Tradesman's Bank to reduce its capital stock;

And

No. 83, S., a bill for an act to permit the Bank of Oconto to reduce its capital stock;

Were read a third time and passed.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed, and asks the concurrence of the Senate, in

J. Res. No. 16, A., enquiring into the condition of the State University;

No. 42, A., a bill for an act exempting certain University Land from taxation,

No. 63, A., a bill for an act to change the boundaries of the counties of Marathon, Shawanaw and Oconto;

No. 164, A., a bill for an act to appropriate to L. E. Saxton the sum of $83.

No. 205, A., a bill to amend chapter 274, of the General and Special Statutes of 1850, entitled "an act granting to James B. Miller the right to keep and maintain a ferry across the Wisconsin river at Dekorra, in the county of Columbia.

The Assembly has concurred in the passage of

M. C. No. 1, S., a memorial to the Congress of the United States in relation to the affairs of the Indian tribes in the State of Wisconsin;

And,

No. 104, S., an act to prescribe the time for holding the terms of the circuit court in La Fayette county, in the Fifth Judicial Circuit;

On motion of Senator Davis,

ASSEMBLY MESSAGE CONSIDERED.

J. Res. No. 16, A.,

Inquiring into the condition of the State University;

Passage concurred in.

Bills read first and second times and referred:

No. 42, A., a bill for an act exempting certain University lands from taxation;

To committee on Education, School and University Lands.

No. 63, A., a bill for an act to change the boundaries of the counties of Marathon, Shawanaw and Oconto;

To committee on Town and County Organization.

No. 164, A., a bill for an act to appropriate to L. E. Saxton the sum of $83;

To general file.

On motion of Senator Davis, the rules were suspended in order to pass

No. 205, A., a bill for an act to amend chapter 274, of the

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the General and Special Statutes of 1850, entitled "an act granting to James B. Miller the right to keep and maintain a ferry across the Wisconsin River, at Dekorra, in the county of Columbia;

And the bill was passed.

On motion of Sen. Burdick,

The rules were suspended in order to pass

Bill No. 137, A., a bill for an act to authorize towns to assess and collect additional school monies in certain cases, and the town clerk to certify thereto;

And

No. 147, A., a bill for act to appropriate to R. T. Lawton the sum of $162.

The ayes and noes being called for on No. 137, A.,

The bill was passed—ayes 18, noes 0.

Those who voted in the affirmative were

Senators A. I. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Taylor, Virgin, Washburn and Worthington —18.

None voting in the negative.

The ayes and noes being required on No. 147, A.,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative, were

Senator A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Taylor, Virgin, Washburn and Worthington—19.

On motion of Sen. Washburn,

The Senate went into

COMMITTEE OF THE WHOLE,

On the general file.

Sen. Gill in the chair.

After some time spent therein, the committe rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back

No. 17, S., a bill for an act to remit certain penalties imposed by section 59, of chapter 28, of the Revised Statutes, entitled "of School and University Lands;"

And substitute;

Without recommendation.

On motion of Sen. Virgin,

Senate adjourned.

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TUESDAY, FEBRUARY 7, 4 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.
On motion of Sen. Burdick,
The reading of the journal of Friday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Senator Curtis:
No. 43, S., memorial of H. Stevens and twenty-nine others;
No. 44, S., memorial of George W. Burch and twenty-eight others;
No. 45, S., memorial of James Johnson and twenty-five others;
No. 46, S., memorial of W. F. Lobdell and five others;
No 47, S., memorial of Henry Linninger and twenty-four others;
No. 48, S., memorial of Joseph Smith and twenty-six others;
No. 49, S., memorial of Joseph Hewitt and twenty-four others;
No. 50, S., memorial of J. T. Kingston and forty-four others;
No. 51, S., memorial of E. K. Tarbox and fifty others;
And
No. 52, S., memorial of John Lester and twenty-nine others;
All of which said memorials were for the repeal of the Kilbourn City Dam Charter, and were referred to the committee on Incorporations.

By Senator Curtis:
No. 53, S., affidavit of Thomas Weston as to damages done by the Kilbourn City dam;
To committee on Incorporations.

By Senator Rodolf:
No. 54, S., remonstrance of Thomas Haskins and others against the division of Grant county;
To committee on Town and County Organization.

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By Senator Gill:

No. 2, S., M. C., memorial to Congress for a daily mail route from the village of Lake Mills to the village of Jefferson; in the county of Jefferson, Wisconsin;

To committee on Federal Relations.

By Senator Stewart:

The following memorial, which, on motion of Senator Stewart, was, by the Senate, ordered to be placed upon the journal.

No. 55, S., memorial of William Blunt:

To the Legislative Assembly of the State of Wisconsin:

The memorial of the undersigned, William Blunt, a citizen of the town of Clarno, in the county of Green and State of Wisconsin, respectfully represents, that your memorialist has resided in the said town and county for the last twenty-four years; that his occupation has been for the main part of the time—in fact, all the time—that of a farmer; that your memorialist has been, during all that time, a freeholder, residing on the farm owned and cultivated by his own hands and that of his family; that your memorialist has never voted in any other State during that time, nor interfered with the politics or internal policy of any other State in the Union.

Your memorialist further represents, that on the 17th day of May last, he left Green county aforesaid with a view of seeking a location in Texas, and if one should be found, of removing thereto the present season; that he went in company with an uncle, Hezekiah Blunt, who was moving with his family and effects to that State, and your memorialist being desirous of assisting said uncle, who was about 73 years of age, in getting comfortably located in his new home. He settled in Ellis county, Texas. On arriving in Grayson county, Texas, your memorialist was taken sick with fever, that while there, and in an unsuitable state of health to travel much, he met Mr. Francis Emerson, a citizens of Green county, Wisconsin, who was carrying on a hardware store and the tanning business in Dallas, Dallas county, Texas, some eighty miles distant; that at his solicitation, your memorialist went to Dallas, where he arrived about the 24th of July. That he remained there about a month, endeavoring to recruit his health. On the 7th of August, your memorialist went to a religious meeting, held at a place about four miles from Dallas, by a Rev. Mr. Royal. Your memorialist here would say, that he has been for about twenty-nine years, a professor of religion, and for the same time a licensed minister of the Christian church (commonly denominated Campbellites), and that for nearly the whole of that time he has been in the habit of preaching on the Sabbath day.

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While at the meeting of the Rev. Mr. Royal, near Dallas, he met with an old acquaintance, Rev. S. McKinney, who having introduced him to the people, he was pursuaded to preach on the following Saturday evening and Sunday at Mr. Walker's house, some five miles from Dallas.

On the Sabbath, while at Walker's, he was requested by the church to preach at a Mr. Brannom's, and the next Sabbath, to fill an appointment made by Mr. McKinney, at Mrs. Runyon's house, about three miles from Georgetown, and was also requested to fill an appointment of McKinney's at Frenchtown, but learning that there was a feeling existing at Dallas, against Mr. McKinney, because of an allegation, believed to be entirely untrue, that he, McKinney, had preached abolition sentiments, he withdrew his appointment. The state of health of your memorialist was such that he became unsatisfied with the country, and resolved to return home, together with Mr. McK., who resided in Iowa. We then engaged a man residing near Dallas, to take us, on the 23d of August, two hundred miles, to a village in the Indian territory, called Boggy Depot, on the route home. Our carrier was detained until Thursday morning the 25th. On the 24th, there was a public meeting called in Dallas, to adopt some measures to send us out of the country, as your memorialist was afterwards informed by a committee who arrived on the 25th, at Mr. Smith's, 6 miles from Dallas, where we were staying, preparatory to starting. This committee arrived about half an hour before we expected to start for home. On Tuesday evening, the 23d, your memorialist learned from his son Charles, and for the first time, that there was a prejudice against McKinney, and consequently, against him, on account of his associating with McK. The evening of the 24th, McKinney received a letter from a friend, while your memorialist was present, which stated that the people had concluded that if he, McK., did not leave in a few days, a committee would take charge of him, and his friends would next see him "dangling from a post oak limb." McK. had just concluded the reading of this letter over on the morning of the 25th, when he saw four men riding up to the house. Apprehending personal violence from the appearance of the men, he seized a rifle and walked out of the house, and demanded "gentlemen, what do you want of me."

A Mr. Hoard, who was one of the party, leaped from his horse, levelled his revolver across the gate at McK., and exclaiming, "yes," fired. McK. discharged his rifle at Hoard, who again snapped his pistol at him. It failing to go off, he mounted his horse and immediately rode off towards Dallas, neither party being harmed by the encounter. The remaining

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three who were a committee appointed by the meeting, then informed us that if we did not leave by Saturday, they would help us away. Your memorialist told them we had made arrangements to leave, and were momentarially expecting the man who was to carry us away, and who did arrive in half an hour. Your memorialist asked the committee if there would be any danger in his going to Dallas to get his clothes; they replied, that there would be none. His son Charles went with the committee to Dallas to get his things, it being arranged that he should meet us on our way, three miles west of Dallas. He did meet us there, and told us that he feared trouble, for Heard was in Dallas trying to get up a mob to follow us. We had proceeded about four miles, when we were overtaken by a mob of nine well mounted men, armed with double barrelled guns. When first discovered, they were within twenty paces, the foremost ones having their guns cocked and presented at us. On seeing the mob, the women, Mrs. McK. and the wife of our carrier screamed, frightening our team, which broke into a run, the mob yelling at the same time "stop, or we'll shoot you."

The team was stopped as soon as possible, and your memoralist got off as soon as his enfeebled condition would permit, and as he dismounted cocked his gun. This manouvre made the horse of the foremost one turn aside, throwing up the riders gun, whereupon he drew a bead upon him, exclaiming, "If you are a mob, say so? I can kill you in spite of all around you." They said, "don't shoot, we've a warrant for McKinney and have nothing to do with you." Your memoralist told them if they had a warrant, to take their guns down from their faces and serve it. Two then rode up to the wagon, jerked McKinney's gun from him, and said they had no warrant—that the sheriff had the warrant, and was coming another road. They said the team must go to Dallas, and they wanted your memoralist for a witness.

On arriving at Dallas, we found a large crowd assembled in the street, and the sheriff in the midst of it. Pointing him out, your memorialist told McKinney to drive to him, and let him serve his warrant. He did so; enquiring if he was sheriff of Dallas county. He replied that he was. McKinney said he understood he had a warrant for him. He enquired McKinney's name, and said he had. McKinney then told him to read the warrant. The sheriff replied, all the people there knew him to be sheriff, and there was no need of his reading the warrant. McKinney said, if he had offended the laws, he wanted a trial immediately. The sheriff said, the justice who issued the warrant was out of town, and he would have to go to jail until his return. At this time, a man jerked your memori-

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alist's gun from him; and, noticing the careless manner in which he handled it, he was told to be more careful, for the gun was loaded. Whereupon, with an oath, he said he would take care of me, and he and three or four others, made a rush to the wagon to help him. I then called out to the sheriff that the men appeared intent on committing violence on me, and that I, as an American citizen, threw myself into his hands for protection against the mob. He told me there was only one place where he could protect me, and that was in jail, to which place he took me, and took from me my shot-pouch, containing what little money I had; stating that it was his business to see that I had no concealed arms.

About three or four o'clock the following morning, the jail was opened without violence and we were tied and taken one mile and a quarter from town by eight men. Our coats were then taken off and we received each eighty lashes. I was so weak before this that I could walk but a few rods without resting, and had to be lifted into the wagon after it was all over. We were then told that we must leave and never be seen in the country again. I said I wanted to make some effort to get back what little property I had there, especially my money, which was at that time only about $16 00, and which were in my shot pouch which had been taken from me. They insisted that I must leave forthwith, and if ever I was seen there again I would be riddled with balls, at the same time striking me in the breast with the muzzles of their pistols, inquiring if I understood what that meant. These last blows injured me more than the scourging. Finally they stated that they would send my things to Sherman. They, however, failed entirely to send them. I afterwards went back by a by-way to within eight miles of Dallas, and sent by a messenger and recovered my gun, but the money was never obtained. Including the stay at Sherman, and the time of seeking for my things, I was detained in the country until the Thursday following the transactions above narrated, when I left the White Rock settlement, above Dallas about eight miles, direct for my home in Wisconsin.

Your memorialist asserts that the above is a plain unvarnished statement of the truth concerning the transactions therein set forth, that from the treatment received at the hands of the mob, his health and happiness is permanently injured, and that he has been unable to prosecute his labors and duties as he had uniformly done before. That he feels well satisfied, in fact absolutely certain, that his personal safety, and indeed, his life would be endangered by his return to Texas to seek redress in the courts of that State.

That he is well satisfied from all the information he can obtain

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that, instead of obtaining any redress for the gross and inhuman outrages upon his person, he would, instead, receive still greater injuries. He is taught to believe that an American citizen should be protected wherever he may go within the States, unless he violates the laws of one of those States. This he claims, and asseverates he has never done by word or act. He never violated the laws of Texas, or condemned them, while he staid within her limits, nor does he believe that her laws, if properly administered, would justify the outrage heaped upon your memorialist during his stay within her limits.

Your memorialist feels called upon, from the peculiar circumstances of the case, to say briefly, that whilst he has been a voter for thirty odd years, he has uniformly supported the democratic ticket, both in the State and nation, and sustained the views of that party upon the issues between the north and south to the best of his abilities in his intercourse and conversations with his neighbors at all times, down to and including the last State election in this State.

Your memorialist has never believed it to be his duty to preach against slavery, and consequently he has carefully abstained, and did, while in Texas, carefully abstain from so doing; and he claims that there should not be a prejudice against him in the minds of any citizens of Texas, or any where else, on that point.

Your memorialist, in view of all the history and statements contained in this memorial, asks of the Legislature of Wisconsin to take such action as will enable him, one of her loyal citizens, to seek for and obtain redress from those citizens of Texas who committed the outrages above spoken of; or, that the State of Texas may be induced, in her sovereign capacity, to make that reparation for the unjustifiable acts of her citizens, as justice and humanity may dictate. And as in duty bound, your memorialist will ever pray, &c.

WILLIAM BLUNT.

STATE OF WISCONSIN, }
COUNTY OF GREEN. }

I, WILLIAM BLUNT, being of lawful age, and first duly sworn, do on my oath depose and say that the statements contained in the accompanying and attached memorial, are, in all respects true, so far as they are stated of my own knowledge, and that those statements derived from the information of others, I believe to be true. So help me God.

WILLIAM BLUNT.

Sworn to and subscribed before me, this 5th day of February, 1860. B. DUNWIDDIE, *Judge of County Court.*

To committee on Federal Relations.

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BILLS INTRODUCED ON LEAVE.

Read first and second times and referred.

By Sen. Seeley :

No. 113, S., a bill for an act to authorize the Secretary of State to credit certain moneys to the county of Green Lake ;

To Judiciary committee.

By Sen. Hutchinson :

No. 114, S., a bill for an act to provide for the purchase of certain copies of Webster's Dictionary for the supply of deficient school districts of the State ;

To committee on Education, School and University Lands.

By committee on Education, School and University Lands:

No. 115, S., a bill for an act to provide for carrying into effect chapter 210, of the General Laws of 1859, relative to town school libraries ;

To general file.

By Sen. Maxon :

No. 116, S., a bill for an act to authorize the Secretary of State to audit the annual appropriation to county agricultural societies ;

To committee on Agriculture.

By committee on Town and County Organization :

No. 117, S., a bill for an act to provide for the removal of the county seat of Buffalo county ;

To general file.

ACCOUNTS,

Presented and referred.

By Sen. Comstock :

No. 19, S., account of A. J. Langworthy, for conveying State prisoners ;

To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

J. Res. No. 5, S.,

Proposing to amend section 8, of article 1, of the Constitution ;

The ayes and noes being required,

The resolution was lost—ayes 15, noes 3.

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Those who voted in the affirmative were

Senators A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Gill, Phillips, Rodolf, Seeley, Stewart, Taylor, Washburn, and Worthington—15.

Those who voted in the negative were

Senators Hutchinson, Maxon and Virgin—3.

On motion of Sen. Washburn,

The vote by which J. Res. No. 5, S., was lost, was re-considered.

The question again occurred on the passage of the resolution;

Pending which,

On motion of Sen. A. I. Bennett,

The further consideration of the resolution was postponed till Tuesday next.

By Sen. Washburn:

J. Res. No. 7, S.,

Providing for amending article 8, of the Constitution of the State;

Read first and second times, and referred to Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Town and County Organization, to whom was referred the petition of the citizens of Buffalo county, praying for a removel of the county seat of Buffalo county, have had the same under consideration and have instructed me to report by bill, and recommend its passage.

N. H. VIRGIN, *Ch'n.*

The committee on Judiciary to whom was referred

No. 107, S., a bill for an act to amend section 1, of chapter 166, of Revised Statutes, entitled "of forgery and counterfeiting;"

Also

No. 89, A., a bill for an act releasing the directors of the Star Rifle Company of Oshkosh, Winnebago county, from the obligation of a certain bond;

Also

No. 117, A., a bill for an act concerning the terms of court in the Fourth Judicial Circuit;

Also

No. 140, A., a bill for an act to change the time of holding terms of circuit court for the county of Dane;

Also

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No. 158, A., a bill for an act to amend chapter 222, of the Session Laws of 1859, entitled "an act to change the name of Amanda Louisa Crumb to Amanda Louisa Brand;"

Have had the said bills under consideration and herewith report the same back, with the recommendation that they severally do pass.

Said committee have also had under consideration

No.105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"

Also,

No. 104, A., a bill for an act to amend section 9, of chapter 183, of Revised Statutes, entitled "of offences cognizable before justices of the peace;"

And herewith report the same back with amendments, recommending there passage when so amended.

M. W. SEELEY, *Ch'n.*

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 17, S., a bill for an act to remit certain penalties imposed by section 59, of chapter 28, of the Revised Statutes, entitled "of school and uuiversity lands;"

On motion of Sen. Rodolf,

The further consideration of the bill was postponed until Thursday next.

On motion of Senator Stewart,

The Senate adjourned.

WEDNESDAY, FEBRUARY 8, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. McWright.

Roll called and quorum present.

On motion of Sen. Geo. Bennett,

The reading of the journal of yesterday was dispensed with.

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LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Cox:

No. 56, S., petition of the inhabitants of Pierce county in relation to school and university lands;

To committee on Education, School and University Lands.

By Sen. Curtis:

No. 57, S., affidavit of William Peck in relation to damages sustained by F. A. Cronkhite & Co., in running lumber over Kilbourn City dam;

To committee on Incorporations.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Virgin:

J. Res. No. 8, S.,

Resolved, by the Senate, the Assembly concurring, That from and after the first day of March next, no more newspapers will be taken at the expense of the State, and the joint committee on Printing be instructed to report a bill providing for the payment of all newspapers received by the members and officers of this Legislature up to the time specified in this resolution;

Laid over.

By Sen. Maxon:

Res. No. 36, S.,

Resolved, That the Superintendent of Public Property is hereby requested to procure for the President of the Senate, each Senator, the Chief Clerk and Sergeant-at-Arms, ten copies of the laws of 1859, published in the German language by Simon Sekles; *Provided,* That the price per copy do not exceed the sum of twenty cents;

The ayes and noes were called for, and

The resolution was adopted—ayes 19, noes 6.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hilgen, Maxon, Phillips, Rodolf, Seeley, Stewart, Sweat, Taylor and Virgin—19.

Those who voted in the negative were

Senators Gill, Hotchkiss, Hutchinson, Masters, Washburn and Worthington—6.

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BILLS INTRODUCED ON LEAVE.

By committee on Banks and Banking:

No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

To general file.

By Sen. Cox:

No. 119, S., a bill for an act to authorize John D. Trumble to keep and maintain a ferry across Lake Pepin, in the county of Pierce;

To committee on Roads, Bridges and Ferries.

By Sen. Seeley:

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases,

To Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Banks and Banking, to whom was referred

No. 72, A., a bill to authorize the Bank of Columbus to reduce its capital;

Also,

No. 10, A., a bill to authorize the Forest City Bank and the Bank of Shawanaw to reduce their capital,

Report the same back and recommend their indefinite postponement, other bills having been introduced for the same purpose.

D. WORTHINGTON, *Ch'n.*

The report of the committee on Banks and Banking was adopted, and said bills

Nos. 72, A. and 10, A.,

Were indefinitely postponed.

The committee on Education, School and University Lands, to whom was referred

No. 214, S., a bill for an act to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the State;

Have had the same under consideration, and directed me to report the same back, with the recommendation that it pass.

HUTCHINSON, *Ch'n.*

The committee on the Judiciary, to whom was referred

No. 113, S., entitled a bill for an act to authorize the Secretary of State to audit certain moneys to county of Green Lake;

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Have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

M. W. SEELY.

The committee on State Affairs, to whom was referred No. 55, S., a bill for "an act to establish an official State paper;"

Have had the same under consideration, and directed me to report the same back, with recommendation that it do pass.

HUTCHINSON, *Ch'n.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, FEBRUARY 8, 1860.

To the Legislature:

I transmit herewith, as required by section 5, of chapter 80. of the Revised Statutes, the annual financial report of the State Agricultural Society, which was delivered to me by the Secretary of said Society, on the 31st day of January, 1860.

ALEX. W. RANDALL.

STATE AGRICULTURAL ROOMS,
MADISON, JANUARY 31, 1860.

To his Excellency, ALEX. W. RANDALL, *Governor of the State of Wisconsin:*

SIR:—In obedience to the requirements of law, the Executive Committee of the Wisconsin State Agricultural Society, would respectfully report the annexed statement of the fiscal affairs of said society, for the year one thousand eight hundred and fifty-nine. Bills and vouchers for all the items contained, are on file in this office, and subject to your order.

In behalf of the Executive Committee,

J. W. HOYT, *Sec'y.*

Statement of the Fiscal Affairs of the Wisconsin State Agricultural Society for the year 1859:

RECEIPTS.

Dec. 8, 1858.	To amount of balance as per last report,.....	$1,339 44
Mar. 1, 1859.	To amount of State appropriation, ...	3,000 00
Oct. 4, 1859.	To receipts at State Fair for ticket account,.....	5,200 49
Dec. 21, 1859.	To am't of D. J. Powers for Life-memberships, &c.,.	301 00
Dec. 21, 1859.	To am't of cash of S. S. Daggett for rent of ground,	265 00
Dec. 21, 1859.	To am't of cash of S. S. Daggett on Milwaukee subscription, ...	1,418 14
Dec. 21, 1859.	To am't of cash of B. R. Hinckley on rent of the grounds, ...	93 00
Dec. 21, 1859.	To cash of B. R. Hinckley on Life-memberships,...	20 00
		$11,637 07

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EXPENDITURES.

Dec. 8, 1858.	By am't of cancelled orders, marked "A." for premiums,	$2,822 50
Dec. 8, 1858.	By am't of cancelled orders, marked "B." for expenses,	7,633 96
Dec. 8, 1858.	By am't to balance,	1,339 44
		$11,795 90
Feb. 5, 1859.	By am't of cancelled orders, marked "C." for premiums,	$106 00
Feb. 5, 1859.	By am't of cancelled orders, marked "D." for expenses,	421 77
Feb. 6, 1859.	By am't of cancelled orders, marked "A." "B." "C." for general expenses,	4,841 51
Feb. 6, 1859.	By am't of cancelled orders, marked "D." for premiums,	2,333 50
Feb. 21, 1859.	By am't of cancelled orders, marked "E." for general expenses,	2,648 98
Feb. 21, 1859.	By am't of cancelled orders, marked "F." for premiums,	27 00
Feb. 21, 1859.	By am't of cancelled orders, marked "G." for premiums,	378 50
Feb. 21, 1859.	By am't to balance,	879 81
		$11,637 07

EXECUTIVE OFFICE, Feb. 6, 1860.

To the Senate:

The following entitled bills, originating in the Senate, have respectively received the Executive approval, and have been filed in the office of the Secretary of State:

No. 21, S., an act to prescribe the time for holding courts in the Third Judicial Circuit;

No. 69, S., an act to extend the time for the collection of taxes in the city of Beloit;

No. 13, S., an act to authorize the Secretary of State to audit the Manitowoc County Agricultual Society the annual appropriation for 1859.

No. 22, S., an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 44, S., an act to authorize Ephraim Kingsbury to erect and maintain a boom on the Wisconsin river, in Sauk county;

No. 77, S., an act to provide for making new lists of jurors for the county of Sheboygan;

No. 24, S., an act to appropriate to James W. Polleys, late sheriff of La Crosse county, the sum of money therein named;

No. 26, S., an act to appropriate to James Fisher, sheriff of Crawford county, the sum of money therein named, $75;

No. 40, S., an act to appropriate to the Wisconsin Telegraph Company the sum of $321 13.

ALEX. W. RANDALL.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

No. 35, S., a bill for an act to amend chap. 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas."

No. 37, S., a bill to amend sec. 10, of chap. 52, of the General Laws of 1859, entitled "an act relating to the Dane county court."

No. 111, S., a bill for an act to authorize the Forest City Bank to reduce its capital.

No. 112, S., a bill for an act to authorize the Shawanaw Bank to reduce its capital stock.

No. 43, S., a bill for an act to appropriate to Hiram Bowen, the sum of $50.

No. 79, S., a bill for an act to appropriate to W. P. Towers, the sum of $496 02.

I am directed to present to you for your signature,

No. 135, A., an act to appropriate to Simon Sekles, the sum of $133.

No. 186, A., an act to authorize the levying and collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Randolph, being in the town of Fox Lake;

And

No. 209, A., an act to provide for holding the first term of the circuit court in the county of Iowa, for the year 1860;

Which have been signed by the Speaker.

I am further directed to return

No. 84, S., a bill for an act to confer powers upon the committee of investigation into the financial affairs of the county of Dane;

For engrossment.

On motion of Sen. Worthington,

The Senate resolved itself into

COMMITTEE OF THE WHOLE

On the general file;

Sen. A. I. Bennett in the chair.

After some time spent therein, the committee rose, reported progress and asked leave to sit again.

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Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 146, S., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $427 53;

And,

No. 84, A., a bill for an act to limit the liabilities of counties in certain cases;

With the recommendation that they do pass.

No. 39, A., a bill for an act to repeal chapter 16, of the Revised Statutes, entitled "of the duties of assessors in the collection of statistics;"

With the recommendation that the bill be recommitted to the committee on Finance.

No. 16, S., a bill for an act to amend section 59, of chapter 28, of the Revised Statutes, entitled "of school and university lands;"

With the recommendation of indefinite postponement.

REPORT OF THE COMMITTEE OF THE WHOLE,

Considered.

Bill No. 146, A., was ordered to a third reading.

No. 84, A., on the question of ordering to a third reading,

The ayes and noes were called for,

And the bill was ordered to a third reading—ayes 19, noes 6.

Those who voted in the affirmative were,

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Stewart, Taylor, Virgin, Washburn and Worthington—19.

Those who voted in the negative were,

Senators Bartlett, Curtis, Hutchinson, Phillips, Seeley, and Sweat—6.

No. 16, S., on the question of indefinitely postponing the bill,

The ayes and noes were called for,

And the bill was indefinitely postponed—ayes 14, noes 11.

Those who voted in the affirmative were,

Senators A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin Washburn and Worthington—14.

Those who voted in the negative were

Senators. Bartlett, Comstock, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Taylor—11.

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No. 39, A.,

Was recommitted to the committee on Finance.

On motion of Senator Taylor,

The rules were suspended in order to put upon their passage bills

Nos. 146 and 148, A.,

The question occurring on the passage of

No. 146, A., and

The ayes and noes being required,

The bill was passed and the title agreed to—ayes 24, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington —24.

No. 148, A., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $427 53;

The question occurring on the passage of the bill, and

The ayes and noes being required,

The bill was passed and the title agreed to—ayes 24, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington —24.

None voting in the negative.

Sen. Taylor moved to suspend the rules in order to pass

No. 72, S.,

Pending which,

On motion of Sen. Curtis,

The Senate adjourned.

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THURSDAY, FEBRUARY 9th, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Walters.
Roll called and a quorum present.
On motion of Sen. Washburn,
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Simpson:
Mem. No. 58, S., memorial of James Wadsworth and forty others, for a law requiring railroad companies to build fences;
To committee on Railroads.

By Sen. Cox:
No. 59, S., petition of inhabitants of Pierce county to be allowed to vote for the removal of the county seat;
To committee on Town and County Organization.

By Sen. Cox:
No. 60, S., petition of A. H. Young and others, for laying out a State road from Alma, in Buffalo county, to Prescott, in Pierce county;
To committee on Roads, Bridges and Ferries.

By Sen. Cox:
Mem. No. 61, S., memorial of A. C. Morton and others, in relation to school land;
To committee on Education, School and University Lands.

By Sen. Cox:
No. 62, S., petition of G. R. Barton, chairman of the county board of supervisors of Pierce county, and others, to annex certain territory to the county of Pepin;
To committee on Town and County Organization.

By Sen. Rodolf:
Mem. No. 63, S., memorial of L. P. Rising:

To the Honorable Senate and Assembly of the State of Wisconsin:

The undersigned memoralist would respectfully represent,

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Firstly. That in consequence of inability to pay the trifling amount of 14s interest at the proper time, on a loan of $200 from the drainage fund, he was subjected to the unpleasant necessity of incurring,

1st. The five per cent penalty of $10; and

2d. The further damage of $12 for advertising said forfeited homestead, on which with his family he now resides.

Secondly. That the State Commissioners advertised said land in a paper of small circulation, twenty miles off, when there were two newspapers published at that time at the county seat, and within two miles of said advertised forfeited land; and

Thirdly. That the courts in some of the States have properly set aside mortgage sales where not published in papers "*nearest*" to the premises; and that in this case, believing said advertising of the School Commissioners illegal and fraudulent, and worthless as a means of publicity to the parties interested, he would respectfully pray your honorable body to pass a law relieving said damage of advertising, and also to remit said five per cent. penalty.

And as in duty bound, your memoralist would ever pray.

Dated Sparta, Monroe Co., Wis., Feb. 8, 1860.

L. P. RISING.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Curtis:

J. Res. No. 9., S.,

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property be, and he is hereby instructed to purchase for the use of the Legislature, two thousand copies of the Governor's Message in the Norwegian language, published in pamphlet form by C. F. Solberg, two-thirds of which shall be for the use of the Assembly, and one-third for the use of the Senate.

Laid over.

By Senator Maxon:

No. 37, S.,

Resolved, That the Governor be, and is hereby, requested to inform the Senate whether he has authorized any person to sieze any timber cut upon any "swamp and overflowed lands belonging to this State," and if so, whether any contract has been made with such person, and what amount of money has been paid for such services.

Sen. Curtis moved to amend the resolution by adding the following: "and what are the terms of such contract or contracts."

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The amendment was accepted, and
The resolution, as amended, was adopted.

By Senator Davis:
J. Res. No. 10, S.,
Resolved by the Senate, the Assembly concurring, That Assembly bill No. 186, now in the Senate, be amended by the Chief Clerk of the Senate, by striking out the word "Randolph" wherever it occurs in the bill and in its title, and inserting the word "Courtland" in its place, and that the bill be reenrolled.
Ruled out of order.

J. Res. No. 8, S.,
Resolved by the Senate, the Assembly concurring, That from and after the first day of March next, no more newspapers will be taken at the expense of the State, and the joint committee on Printing be instructed to report a bill providing for the payment of all newspapers received by the members and officers of the Legislature up to the time specified in this resolution;
Which was introduced yesterday by Sen. Virgin, and laid over.
Sen. Maxon moved to amend by striking out the words "from and after the first day of March next;"
Pending which,
Sen. Washburn moved to lay the amendment on the table;
And the motion prevailed.

BILLS INTRODUCED ON LEAVE,

Presented and referred:

By committee on Banks and Banking:
No. 121, S., a bill for an act to authorize the Lumbermen's Bank to reduce its capital stock;
To general file.

Also,
No. 12, S., a bill for an act to authorize the Bank of Moneka to reduce its capital stock;
To general file.

By Sen. Simpson:
No. 123, S., a bill for an act to repeal chapter 48, of the General Laws of 1858, entitled an act to amend section 5, of chapter 121, of the General Laws of 1856, entitled an act concerning railroads;
To committee on Railroads.

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By Sen. Cox:

No. 124, S., a bill for an act to annex certain territory in the county of Pierce, to the county of Pepin;

To committee on Town and County Organization.

By Sen. Cox:

No. 125, S., a bill for an act to amend an an act entitled "an act to incorporate the city of Prescott;"

To committee on Incorporations.

ACCOUNTS, &c.,

Presented and referred.

By Sen. Taylor:

No. 20, S., account of A. A. McDonell;

To committee on State Affairs.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills having examined the following bills, report that the same are correctly enrolled:

No. 104, S., a bill for an act to prescribe the time for holding the terms of the circuit court in Lafayette county, in the Fifth Judicial Circuit;

No. 112, S., a bill for an act to authorize the Shawanaw Bank to reduce its capital;

No. 79, S., a bill for an act to appropriate to W. P. Towers the sum of $496 02.

GEO. BENNETT, *Ch'n.*

The Railroad committee, to whom was referred bill

No. 97, S.,

Have considered the same and recommend its passage.

PHILLIPS, *Ch'n.*

The committee on Agriculture, to whom was referred bill

No. 216, A., an act to authorize the Secretary of State to audit the annual appropriations to county agricultural societies;

Have had the same under consideration, and have instructed me to report the same back and recommend its passage.

E. D. MASTERS, *Ch'n.*

The joint committee on Enrolled Bills report that on the 9th of February, inst., they presented to the Governor for his approval the following bills, to-wit:

No. 209, A., a bill for an act to provide for holding the first term of the circuit court of the county of Iowa, for the year 1860.

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No. 135, A., a bill for an act to appropriate to Simon Sekles the sum of $133.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Public Lands to whom was referred

No. 32, S., entitled "a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La Crosse;"

Have had the same under consideration, and instruct me to report the same back with a substitute, and recommend the passage of the substitute.

J. W. STEWART, *Ch'n.*

The committee on Banks and Banking to whom was referred

No. 65, S., a bill for an act to authorize the Lumberman's Bank and Bank of Moneka to reduce their capital;

Report the same back and recommend that it be indefinitely postponed—the object of the bill being secured by other bills this day introduced. D. WORTHINGTON, *Ch'n.*

The report of the committee on Banks and Banking was adopted, and the said bill

No. 65, S.,

Was indefinitely postponed.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 52, A., a bill for an act to authorize William Knowles, his associates or assigns, to build and maintain a dam across the Pecatonica river;

No. 120, A., a bill for an act to incorporate the Eau Claire Manufacturing and Booming Company;

No. 121, A., a bill for an act to amend section 4, of chapter 124, of the Revised Statutes, entitled "of the manner of commencing civil actions;"

No. 124, A., a bill for an act to permit the Dodge County Bank to reduce its capital stock;

No. 127, A., a bill for an act to reduce the capital stock of the Farmer's and Miller's Bank of Milwaukee;

No. 160, A., a bill for an act to amend section 7, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

No. 171, A., a bill for an act to vacate block 20, of Vliet's addition to the city of Milwaukee;

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No. 176, A., a bill for an act to authorize the State Superintendent of Public Instruction to apportion certain school money to the city of Mineral Point;

No. 184, A., a bill for an act authorizing the commissioners of school lands to vacate a certain sale to Ephraim Cole;

No. 185, A., a bill for an act to vacate block No. 7, in Cross and Ludington's addition to Milwaukee;

No. 179, A., a bill for an act to amend chapter 132, of the Private and Local Laws of 1859, entitled "an act to amend an act entitled an act to incorporate the city of Beaver Dam;"

No. 190, A., a bill for an act to permit the Bank of Beloit to reduce its capital stock;

No. 133, A., a bill for an act to appropriate to Chauncey Abbott, the sum of $200 ;

No. 207, A., a bill for an act to appropriate to Charles H. Luce, the sum of $189 84;

No. 215, A., a bill for an act to appropriate to William G. Everitt the sum of $157 50;

No. 206, A., a bill for an act to appropriate to Josiah Woodworth the sum of $16 50;

No. 208, A., a bill for an act to appropriate to B.W. Suckow the sum of $91 65;

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 41, S., a bill for an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin river, in the town of Prairie du Sac, Sauk county, and Black Earth, Dane county;"

No. 45, S., a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 61, S., a bill to amend section 27, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison, to reduce its capital;

Without amendment.

And

No. 48, S., a bill for an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17, 1859;

With an amendment.

In which the concurrence of the Senate is requested.

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ASSEMBLY MESSAGE CONSIDERED.

No. 48, S., a bill for an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17, 1859;

On motion of Senator Curtis,

The further consideration of this bill was postponed till Tuesday next.

The following bills were each read first and second times and referred:

Said bills
Nos. 133, 206, 207, 208 and 215, A.,
Placed in the general file.
Said bills
Nos. 121, 160, 171, 184 and 185, A.,
To Judiciary committee.
Said bills
Nos. 127, 124 and 190, A.,
To committee on Banks and Banking.
Nos. 120 and 179, A.,
To committee on Incorporations.
No. 52, A.,
To committee on Roads, Bridges and Ferries.
No. 176, A.,
To committee on Education, School and University Lands.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof.

Mr. President:

I am directed to inform you that the Assembly has adopted J. Res. No. 19, A.,

Correcting error in bill No. 186, A.;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature

No. 90, A., an act to provide for the re-assessment of certain taxes in the city of Racine, for the years 1856 to 1859, inclusive;

No. 191, A., an act to extend time for the collection of taxes in the city of Madison;

No. 97, S., an act to appropriate to W. P. Towers the sum of $496 02;

No. 104, S., an act to prescribe the time for holding the terms of the circuit court in La Fayette county, in the Fifth Judicial Circuit;

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No. 112, S., an act to authorize the Shawanaw Bank to reduce its capital;

Which have been signed by the Speaker.

BILLS PASSED.

No. 84, A., a bill for an act to limit the liabilities of counties in certain cases;

The ayes and noes were called for, and

The bill was passed by the following vote—ayes 19, noes 5;

Those who voted in the affirmative were,

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Stewart, Taylor, Virgin, Washburn and Worthington—19.

Those who voted in the negative were,

Senators Bartlett, Curtis, Hutchinson, Seeley, and Simpson —5.

No. 17, S., a bill for an act to remit certain penalties imposed by section 59, of chapter 28, of the Revised Statutes entitled "of school and university lands;"

With a substitute;

The question occurring on the adoption of the substitute instead of the bill,

The ayes and noes were called for, and

The substitute was adopted—ayes 17, noes 8;

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington —17.

Those who voted in the negative were,

Senators Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Taylor—8.

The question occurring on the passage of the substitute,

The ayes and noes were called for, and

The substitute was passed—ayes 15, noes 9.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—15.

Those who voted in the negative were,

Senators Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Taylor—9.

Sen. Davis moved to take bill

No. 11, S., from the general file;

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Carried.

Sen. Maxon moved that the said bill be recommitted to the general file;

Sen. A. I. Bennett moved to amend Sen. Maxon's motion by adding, "and that the Senate do now resolve itself into the Committee of the Whole on the said bill;"

The amendment was accepted;

The motion as amended prevailed, and

The Senate resolved itself into

COMMITTEE OF THE WHOLE

On bill No. 11, S.,

Sen. Seeley in the chair;

After some time spent therein, the committee rose and reported back

No. 11, S.,

And recommend that it do pass as amended.

Senate refused to adopt amendment recommended by Committee of the Whole.

Sen. Maxon offered the following amendment, substitute for the third amendment the following: "strike out all of the second proviso in sec. 4, to and including the word 'act,' in the seventh line of said proviso;"

The ayes and noes being called for,

The amendment was lost—ayes 7, noes 17.

Those who voted in the affirmative were

Senators Bartlett, Eagan, Gill, Hilgen, Maxon, Taylor and Washburn—7.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Hotchkiss, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Virgin and Worthington—17.

Sen. Curtis moved to suspend the rules and put the bill on its passage at this time;

Carried.

Sen. Maxon offered the following amendment:

Insert after the word "credit" in line 14, in section 1, the words, "and value of real and personal property."

The ayes and noes being called,

The amendment was lost—ayes 3, noes 19.

Those who voted in the affirmative were

Senators Maxon, Taylor and Washburn—3.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hotchkiss, Masters,

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Phillips, Rodolf, Seeley, Simpson, Stewart, Virgin and Worthington—19.

Sen. Eagan offered the following amendment:

Strike out, in lines 76 and 77, subdivision 9, of the printed bill, the words "the same per diem as is authorized by law to be paid to town assessors," and substitute in lieu thereof the words "two dollars per day;"

Lost.

The motion recurring on ordering the bill to a third reading;

The ayes and noes were called for.

Sen. Taylor asked to be excused from voting.

The Senate refused to excuse him.

The bill was ordered to a third reading—ayes 17, noes 7.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Virgin and Worthington—17.

Those who voted in the negative were

Senators Fratt, Gill, Hilgen, Hotchkiss, Maxon, Taylor and Washburn—7.

The question recurring on the passage of the bill;

The bill was passed—ayes 17, noes 7.

Those voting in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Virgin, and Worthington—17.

Those who voted in the negative were

Senators Fratt, Gill, Hilgen, Hotchkiss, Maxon, Taylor and Washburn—7.

On motion of Senator Masters,

The Senate adjourned.

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FRIDAY, February 10, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called and quorum present.
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Senator Simpson:
No. 21, S., account of Hugh Campbell.
By Senator Hutchinson:
No. 64. S., memorial and account of R. C. Bieroe and Alex. McDonnell;
Referred to committee on Claims.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Worthington, from committee on Banks and Banking:
No. 126, A., a bill to authorize the Northern Bank to reduce its capital stock;
To general file.

By Sen. Seeley:
No. 127, S., a bill to abolish the county board of supervisors and establish a board of county commissioners;
To joint committee on the subject, with instructions to report on Tuesday next.

No. 128, S., a bill for an act to define the boundary line between the counties of Green Lake and Marquette;
To committee on Town and County Organization.

No. 129, S., a bill for an act to amend section 9, of chapter 121, of the General Laws of 1859, entiled "an act for the more speedy and thorough collection of penalties, forfeitures and fines;"
To the Judiciary committee.

By Senator Hutchinson:
No. 130, S., a bill to amend an act to incorporate the La Crosse Hydraulic Company;
To committee on Incorporations.

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By committee on Claims:

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co. the sum of $235 38;

To general file.

By committee on Claims:

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $100;

To general file.

RESOLUTIONS INTRODUCED AND CONSIDERED.

J. Res. No. 9, S.,

Resolved, by the Senate, the Assembly concurring, That the Superintendent of Public Property be, and he is hereby, instructed to purchase for the use of the Legislature, two thousand copies of the Governor's Message in the Norwegian language, published in pamphlet form by C. F. Solberg, two-thirds of which shall be for the use of the Assembly, and one-third for the use of the Senate;

Which was introduced yesterday, by Sen. Curtis, and laid over.

Sen. Curtis asked leave to withdraw the resolution.

Sen. Gill objected.

On motion of Senator Virgin,

The resolution was laid on the table.

By Sen. Simpson:

No. 38, S.,

Whereas, It appears upon the Senate journal of date Feb. 7th, inst., that one William Blunt memorialized the Legislature of this State, setting forth in his memorial that certain persons in the State of Texas, lately committed various outrages upon his person, property and rights as an American citizen, and claims to be a legal citizen of the State of Wisconsin, and asks that the Legislature of this State may take such action as will enable him to obtain redress for such outrages as justice and humanity may dictate; which memorial has been referred to the committee on Federal Relations, and said committee not having sufficient authority to investigate the charges set forth in said memorial, for the purpose of obtaining information for the basis of any action by this Legislature, therefore

Resolved, That the committee on Federal Relations, he and they are hereby authorized and required to proceed to Texas forthwith to take testimony and make a thorough examination into the charges set forth in said memorial; and that said committee report all the testimony and facts by them elicited in

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reference thereto, and what reparation said memorialist is entitled to receive, if any, at as early day as possible; and that the expenses of said committee be paid by the Governor of this State out of the contingent fund;

Sen. Hutchinson moved to refer the resolution to the committee on Federal Relations.

The ayes and noes were called for,

And the motion prevailed—ayes 15, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—15.

Those who voted in the negative were

Senators Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat and Taylor—10.

By Sen. Curtis:

No. 39, S.,

Resolved, That the joint standing committee of Investigation be instructed to inquire into, and ascertain by what law the swamp land surveys have been made during the past year, and the cost of the same; also, how much, if any, more has been audited as having been paid to the surveyors or others engaged in the surveys than they actually received, the reason for such discrepancy, and who has received the money resulting therefrom;

Adopted.

REPORTS OF COMMITTEES.

The committee on Claims to whom was referred accounts,

No. 18, S., the account of Candee, Dibble & Co., for carpet furnished Superintendent Public Property, for the use of the State;

No. 5, S., the account of Wakeley & Tenney, for services as counsel in the case of the State vs. Edward H. Janssen,

Have had the same under consideration, and report them back by bills,

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co., the sum of $235 38;

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $100;

And recommend that said bills do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Engrossed Bills, have examined and compared,

No. 84, S., a bill for an act to confer powers upon the com-

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mittee of Investigation into the financial affairs of the county of Dane;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled, viz:

No. 35, S., a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk and erect the county of Dallas;

No. 43, S., a bill for an act to appropriate to Hiram Bowen, fifty dollars;

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison to reduce its capital;

No 111, S., a bill for an act to authorize the Forest City Bank to reduce its capital.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 10th inst. they presented to the Governor for his approval the following bills, viz:

No. 79, S., a bill for an act to appropriate to W. P. Towers, the sum of $496 02.

No. 104, S., a bill for an act to prescribe the time for holding the terms of the circuit court in La Fayette county, in the fifth judicial circuit.

No. 112, S., a bill for an act to authorize the Shawanaw Bank to reduce its capital stock.

No. 191, A., a bill for an act to extend the time for the collection of taxes in the city of Madison.

No. 90, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Racine, for the years 1856 to 1859, inclusive.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The committee on Finance to whom was referred

No. 110, S.,

Report the same back with two amendments, and when so amended recommend its passage.

A. I. BENNETT, *Ch'n.*

The report of the committee was adopted, and

The amendments agreed to.

On motion of Sen. A. I. Bennett,

The rules were suspended, and the bill was ordered engrossed and read a third time.

The committee on Education, School and University Lands, to whom was referred,

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No. 176, A., a bill for an act to authorize the State Superintendent of Public Instruction to apportion certain school moneys to the city of Mineral Point;

Have had the same under consideration, and directed that it be reported back with an amendment, and its passage as amended is recommended.

HUTCHINSON, *Ch'n.*

The committee on Federal Relations, to which was referred the memorial, largely signed,

"For a daily mail route from the village of Lake Mills, in the county of Jefferson, by the way of Milford and Aztalan, to the village of Jefferson, in said county;"

Have considered the same, and recommend the passage of the accompanying memorial. CURTIS, *Ch'n.*

The committee on Banks and Banking to whom was referred

Nos. 124, 127 and 190, A., bills to authorize the Dodge County Bank, the Farmer's and Miller's Bank, and the Bank of Beloit, severally to reduce their capital stock;

Report the same back and recommend their passage.

The committee also report back

No. 4, A., a bill for an act to authorize the Northern Bank to reduce its capital;

And recommend that it be indefinitely postponed, a new bill having been introduced for the same purpose.

D. WORTHINGTON, *Ch'n.*

The said bill

No. 4, A.,

Was indefinitely postponed.

The said bills,

Nos. 124, 127 and 190, A.,

Were placed on the general file.

The committee on Roads, Bridges and Ferries, have instructed me to report back bill

No. 36, A., a bill for an act to provide for the disposal and expenditure of the drainage fund in the county of Waushara;

And recommend its passage.

Also,

No. 109, A., a bill for an act to authorize the town of Half Moon, in the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river;

With an amendment, and recommend its passage when so amended.

Also,

No. 101, S., a bill for an act to amend chapter 263, of the Private and Local Laws of 1857;

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With an amendment, and recommend its passage when so amended.

RODOLF, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 243, A., a bill for an act to extend the time for the payment of State and County Taxes in the city of Racine, for the year 1859.

I am further directed to inform you that the Assembly has adopted

J. Res. No. 17, A.,

Relative to distribution of town laws;

And asks the concurrence of the Senate in the same.

I am also directed to present to you for signature

No. 137, A., a bill for an act to authorize towns to assess and collect additional school monies in certain cases, and town clerk to certify thereto;

No. 147, A., a bill for an act to appropriate to R. T. Lawton the sum of $162;

No. 84, A., a bill for an act to limit the liability of counties in certain cases;

No. 146, A., a bill for an act to appropriate to Bliss, Eberhard and Festner, the sum of $427 50;

No. 148, A., a bill for an act to appropriate to Donaldson & Treadway the sum of $172 50;

Which have been signed by the Speaker.

I am further directed to inform you that the Senate has concurred in the passage of

No. 25, S. a bill for an act to repeal chapter 114, of the General Laws of 1859, conferring civil jurisdiction on the county court of Crawford county.

I am also directed to present to you for signature,

No. 43, S., a bill for an act to appropriate to Hiram Bowen the sum of $50;

No. 80, S., a bill for an act to authorize Wisconsin Bank to reduce its capital;

No. 111, S., a bill for an act to authorize the Forest City Bank to reduce its capital;

No. 35, S., a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled an act to divide the county of Polk, and erect the county of Dallas;

Which have been signed by the Speaker.

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On motion of Senator Cox,

The rules were suspended, in order to pass bill

No. 72, S.,

The question occurring on adopting the amendment proposed by the committee,

The ayes and noes were called for and ordered,

And the amendment was rejected—ayes 3, noes 20.

Those who voted in the affirmative were

Senators Maxon, Virgin, and Washburn—3.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hilgen, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor and Worthington—20.

The question recurring on the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 24, noes 1.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—24.

Senator Simpson voted in the negative.

Senator Rodolf moved to suspend the rules in order to pass

No. 176, A.,

The motion prevailed; and

The bill was ordered to a third reading.

The question occurring on the passage of the bill,

The ayes and noes were called for, and

The bill was passed—ayes 25, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Washburn and Worthington—25.

Noes none.

REPORT.

To the Senate and Assembly:

The committee of conference to whom was referred the disagreeing vote upon,

No. 7, S., a bill for an act to authorise the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment thereof;

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Have had the same under consideration, and report a substitute and recommend its passage.

B. E. HUTCHINSON,
E. D. MASTERS,
M. J. EAGAN,
Senate Com.
A. E. BOVAY,
W. M. GRISWOLD,
M. B. PATCHIN,
Assembly Com.

The amendment of the committee was adopted—ayes 14, noes 10.

Those who voted in the affirmative were,

Senators Davis, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Rodolf, Seeley, Stewart, Sweat, Taylor, and Washburn—14.

Those who voted in the negative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Maxon, Phillips, Virgin and Worthington—10.

Sen. Hutchinson moved to suspend the rules in order to pass said bill No. 7, S.;

Lost.

The question occurring on ordering the bill engrossed for a third reading,

The ayes and noes were called for, and

The Senate refused to order the bill engrossed—ayes 11, noes 13.

Those who voted in the affirmative, were

Senators Davis, Eagan, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Rodolf, Sweat, Taylor and Washburn—11.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Maxon, Phillips, Simpson, Stewart, Virgin and Worthington—13.

Sen. A. I. Bennett moved to reconsider the vote by which the Senate refused to pass said bill

No. 7. S.;

The ayes and noes were called for, and

The motion prevailed—ayes 17, noes 8.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Eagan, Gill, Hotchkiss, Hutchinson, Masters, Rodolf, Stewart, Sweat, Taylor, Washburn and Worthington—17.

Those who voted in the negative, were

Senators Bartlett, Burdick, Fratt, Hilgen, Maxon, Phillips, Simpson and Virgin—8.

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Sen. Stewart moved to reconsider the vote by which the Senate adopted the amendment of the committee to said bill No. 7, S.;

Pending which,

Sen. Davis moved that the Senate do now adjourn.

The ayes and noes were called for, and

The motion was lost, by the casting vote of the President of the Senate.

Those who voted in the affirmative, were

Senators A. I. Bennett, Comstock, Curtis, Davis, Eagan, Fratt, Hutchinson, Rodolf, Simpson, Sweat, Taylor and Virgin—12.

Those who voted in the negative, were

Senators Bartlett, G. Bennett, Cox, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Stewart, Washburn and Worthington—12.

Sen. Washburn moved that the Senate resolve itself into committee of the whole on the general file;

Lost.

Sen. Virgin moved that the Senate do now adjourn;

Lost.

Sen. Stewart renewed his motion to reconsider the vote by which the Senate adopted the amendment of the committee to said bill No. 7, S., and

The motion was lost.

Sen. Davis moved that the Senate do now adjourn;

The ayes and noes were called for, and

The motion prevailed—ayes 16, noes 8.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hutchinson, Masters, Simpson, Stewart, Sweat, Taylor, Virgin and Washburn—16.

Those who voted in the negative were

Senators Bartlett, Burdick, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf and Worthington—9.

And the Senate adjourned.

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SATURDAY, February 11, 10 o'clock, A. M.

Senate met.
Pesident pro. tem. in the chair.
Prayer by the Rev. Mr. Peck.
Roll called and quorum present.
On motion of Sen. Stewart,
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.
By Sen. Hutchinson :
No. 65, S., petition of E. D. Campbell and one hundred others, for a new assessment of city of La Crosse ;
To committee on Finance.

By Sen. Ferguson :
No. 66, S., petition of the inhabitants and freeholders of the town of Shields, to annex a part of the town of Lowell to the town of Shields, in the county of Dodge ;
To committee on Town and County Organization.

ACCOUNTS,

Presented and referred.
By Sen. Maxon :
No. 22, S., account of Simon Sekles for laws of 1859, in German ;
To committee on Claims.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Bartlett :
No. 133, S., a bill for an act to amend chapter 64, of the General Laws of 1858 ;
To Judiciary committee.

By Sen. Bartlett:
No. 134, S., a bill for an act to appropriate to the State Prison Commissioner the sum therein named ;
To committee on Claims.

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REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that, on the 10th inst., they presented to the Governor the following bills for his approval, viz :

No. 137, A., a bill for an act to authorize towns to assess and collect school monies in certain cases, and the town clerk to certify thereto ;

No. 84, A., a bill for an act to limit the liabilities of counties in certain cases ;

No. 147, A., a bill for an act to appropriate to R. T. Lawton the sum of $162 ;

No. 146, A., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $227 53 ;

No. 148, A., a bill for an act to appropriate to Donaldson & Treadway the sum of $172 50 ;

No. 35, S., a bill for an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk, and erect the county of Dallas ;"

No. 111, S., a bill for an act to authorize the Forest City Bank to reduce its capital ;

No. 43, S., a bill for an act to appropriate to Hiram Bowen the sum of $50 ;

No. 80, S., a bill for an act to authorize the Wisconsin Bank of Madison to reduce its capital.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The committee on Engrossed Bills, have examined and compared,

No. 72, S., a bill for an act to appropriate to Alexander W. Randall, Governor of the State of Wisconsin, as a contingent fund for A. D., 1860, the sum of $10,000;

Also,

No. 110, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof ;"

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Incorporations, to whom was referred,

No. 130, S., a bill for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Company;"

And

No. 120, A., a bill for an act to incorporate the Eau Claire manufacturing and booming company ;

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Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

M. W. SEELEY, *Ch'n.*

The committee on Enrolled Bills report that they have examined and compared the following bills, and find them correctly enrolled:

No. 41, S., a bill for an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin river in the town of Prairie du Sac, Sauk county, and Black Earth, Dane county;"

No. 37, S., a bill for an act to amend section 10, of chapter 52, of the laws of 1859, entitled "an act relating to the Dane county court;"

No. 61, S., a bill for an act to amend section 27, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial and judgments in civil actions;"

No. 45, S., a bill for an act to amend section 80 of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

GEO. BENNETT, *Ch'n.*

MESSAGES.

OFFICE OF THE BANK COMPTROLLER,
MADISON, February 10, 1860.

To the Honorable the Senate of the State of Wisconsin:

In compliance with a resolution of the Senate, adopted on the 31st ult., requesting the Bank Comptroller "to communicate to the Senate any information he may possess in regard to evasions or violations of the banking laws by banks, being engaged in issuing circulating notes, and having no real office for the redemption of the same, and without being engaged in the business of banking as defined by law," this communication and and accompanying documents, are respectfully submitted.

Bank of Montello.—It appears by the protest of Henry Mulberger, Notary Public, and the affidavit of R. S. Little, both submitted herewith by abstract copy, that the Bank of Montello keeps no office at Princeton, as required by law, for the redemption of its circulating notes. The securities (public stocks) of this bank are now advertised to be sold by the Comptroller to pay its circulating notes, a package of them having been protested and not redeemed as required by law.

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Frontier Bank, Citizens Bank, Mechanics Bank.—It clearly appears by their reports herewith submitted by copy, that the Citizens Bank, the Frontier Bank and the Mechanics Bank, are engaged in no banking business except the issuing of circulating notes; and it also appears by the protests and affidavits, that neither of said banks keeps an office as required by law for the redemption of such notes.

Bank of North America.—The report of the Bank of North America shows conclusively that this Bank in engaged in no banking business except the issuing of circulating notes, and the protest and other paper, which last one goes hereby annexed, clearly indicates that instead of an office for redemption of its notes, it simply keeps "an agent" *to waive protest.* It will be noticed that the report is made and sworn to by President and Cashier, in the county of Cook, in the State of Illinois, while the affidavit of these officers sets out Grand Rapids, in the State of Wisconsin, as the place where the business of discount and deposit is carried on.

From the report of the following banks, it seems to appear that they are engaged in no banking business except the issuing of circulating notes, viz: *Arctic Bank, Bank of Appleton, Bank of Oconto, Chippewa Bank, Clark County Bank, Corn Planter's Bank, Farmer's Bank of Two Rivers, Green Bay Bank, Lumberman's Bank, Portage County Bank, State Stock Bank, St. Croix Valley Bank, The Oconto Bank* and *The Tradesman's Bank.* As illustrating the manner in which the business of banking is carried on by the above banks, your attention is invited to the report of the Clark County Bank, which is sworn to by one officer in the city of New York, on the 5th day of January, by the other in Sangamon County, Illinois, on the 10th of January, and the place where the business of the bank is carried on, is sworn to be Chippewa Falls, Wisconsin; and also to that of the State Stock Bank, sworn to be engaged in business in Eau Claire, in this State. Both officers swear as to the condition of the bank on the 2d of January in the county of Calhoun, State of Michigan, showing that these officers are either very rapid travellers, or that they enjoy an uncommon means of receiving intelligence. The same state of facts appears, in a greater or less degree, in the reports of most of these banks, as will be apparent on examination, and in all, the only items of business reported are those relating to circulation alone.

These banks are, in the opinion of the Bank Comptroller, either evading or violating the banking laws of the State. Particular reference in regard to the above is made in sections 5, 16, 17 and 21, of the general banking law, as compiled by

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order of the Legislature of 1859, and to chapter 116, of the general laws of 1858, "an act defining certain duties of the Bank Comptroller."

It will be noticed, that the aggregate circulation of these banks on January 2d, ultimo, $1,332,150 00, makes out a considerable part of the total banking circulation of this State.

It is more than probable, that there are other banks in the same or similar condition, of which, however, the Department cannot offer satisfactory evidence.

The Department wishes to direct your attention to the fact, that in case of a considerable decline in the market value of the public stocks deposited as securities for the circulating notes of such banks; their owners having no capital invested in the business, and residing mostly out of this State, said owners might perhaps not deem it for their interest, to make up the deficiency, and that in such cases heavy losses would fall on the holders of these notes.

All of which is respectfully submitted.

G. VAN STEENWYK,
Bank Comptroller.

Referred to committee on Banks and Banking.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 258, A., a bill for an act to appropriate to the officers of the Assembly of 1860 a certain sum of money;

In which the concurrence of the Senate is requested.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 243, A., a bill for an act to extend the time for the payment of State and county taxes in the city of Racine for 1859;

Referred to committee on Finance.

No. 258, A., a bill for an act to appropriate to the officers of the Assembly of 1860 a certain sum of money;

Sen. Virgin moved that the Senate do reject the bill.

Sen. Virgin asked leave to withdraw the motion;

And leave was granted.

Sen. Virgin moved to lay the bill on the table;

And the motion prevailed.

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J. Res. No. 17, A., relative to the distribution of town laws;

Was read and concurred in.

J. Res. No. 19, A.,

Resolved by the Assembly, the Senate concurring, That Assembly bill No. 86, now in the hands of the joint committee on Enrolled Bills, be withheld from presentation to the Governor for his signature, on account of a clerical error in said bill; and that the Chief Clerk of the Assembly be directed to amend the bill by striking out the word "Randolph," wherever it occurs in the bill and in its title.

Sen. Maxon offered the following amendment:

"Strike out all after the resolving clause, and insert the following: 'The rules of the Senate do not permit a bill to be amended by joint resolution;'"

The amendment was lost.

Sen. Simpson moved that the consideration of the resolution be indefinitely postponed, and

The motion prevailed.

BILLS PASSED.

No. 110, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled an act relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;

Was read the third time,

Passed and the title agreed to.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 247, A., a bill for an act to appropriate to Wright & Paine the sum of $44 63;

No. 248, A., a bill for an act to appropriate to D. R. Clements the sum of $41;

No. 249, A., a bill for an act to appropriate to C. V. N. Kittridge the sum of $188 61;

No. 250, A., a bill for an act to appropriate to William J. Gill, the sum of $30;

No. 251, A., a bill for an act to appropriate to Thomas B. Lacey the sum of $87 68;

No. 244, A., a bill for an act to appropriate to A. Burnham the sum of $18;

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No. 245, A., a bill for an act to appropriate to John F. Lessey the sum of $39;

No. 246, A,, a bill for an act to appropriate to George Paine the sum of $136 67;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature

No. 37, S., an act to amend sec. 10, of chap. 52, of the law of 1859, entitled "an act relating to the Dane county court;"

No. 41, S., an act to amend chap. 71, of the Private and Local Laws of 1856, entitled "an act granting to Wm. Millard, the right to keep and maintain a ferry across the Wisconsin river in the towns of Prairie du Sac, Sauk county, and Black Earth, Dane county;"

No. 45, S., an act to amend sec. 80, of chap. 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 61, S., an act to amend sec. 27, of chap. 132, of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

Which have been signed by the Speaker.

On motion of Sen. Taylor,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On the general file,

Sen. Hotchkiss in the chair:

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back, bill,

No. 36, S., a bill for an act providing for grand and petit juros in this State, and to amend sections 3, 8, and 13, of chap ter 118, of the Revised Statutes,

With an amendment;

REPORT OF COMMITTEE CONSIDERED.

The question occurring on the amendment of the committee of the Whole,

The ayes and noes were called for;

Pending which,

Sen. Stewart moved that the Senate do now adjourn;

Withdrawn.

Sen. Curtis moved that the further consideration of the bill be postponed till Wednesday next;

Withdrawn;

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The question occurring on the amendment of the committee of the Whole,

The amendment was adopted—ayes 16, noes 7.

Those who voted in the affirmative were,

Senators Bartlett, G. Bennett, Cox, Curtis, Davis, Ferguson, Fratt, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Stewart, Taylor, Virgin, and Washburn—16.

Those who voted in the negative, were,

Senators A. I. Bennett, Gill, Hutchinson, Masters, Phillips, Seeley, and Worthington—7.

The question occurring on the adoption of the substitute reported by the Judiciary committee,

The substitute was adopted;

The question then occurring on ordering the bill to its third reading;

Sen. Hotchkiss offered the following amendment: by adding to section 2, and provided further, that if from any cause the full number of petit jurors shall fail to be in attendance upon any court, it shall be the duty of the Judge to order the clerk of the court to draw from the undrawn list of petit jurors a sufficient number of names to supply such deficiency, and such drawing shall be made in open court;

Withdrawn.

Sen. Phillips moved to postpone the further consideration of the bill till Wednesday next;

Lost.

Sen. Geo. Bennett moved that the Senate do now adjourn;

Withdrawn.

Sen. Rodolf moved that the Senate do now adjourn;

The ayes and noes were called for,

And the motion was lost—ayes 8, noes 13.

Those who voted in the affirmative were

Senators G. Bennett, Ferguson, Gill, Hotchkiss, Hutchinson, Rodolf, Seeley and Stewart—8.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Cox, Davis, Fratt, Hilgen, Masters, Maxon, Phillips, Taylor, Virgin, Washburn and Worthington—13.

Sen. A. I. Bennett moved that the Senate do now take a recess till 4 o'clock this afternoon;

Sen. Washburn moved that the further consideration of the bill be postponed till Monday next;

Carried.

Sen. A. I. Bennett, upon leave granted, offered Res. No. 40, S.,

Whereas, After the report of the committee of conference

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on the disagreeing vote in reference to Senate bill, No. 7, had been concurred in by the Senate, said bill was again put upon its third reading, with a view of again taking its regular course through the two Houses, contrary to parliamentary usage, in such cases, therefore,

Resolved, That the Chief Clerk be instructed to inform the Assembly that the Senate has agreed to the report of the committee of conference on Senate bill No. 7.

Resolved, That such agreement be deemed the final action of the Senate, in reference to said bill, unless the report of such committee should be disagreed to by the Assembly;

Adopted.

Senator Taylor moved to reconsider the vote by which the Senate postponed the further consideration of bill No. 36, S.

Pending which,

Senator Gill moved that the Senate do now adjourn;

Lost.

Senator Gill moved a call of the Senate.

Senator A. I. Bennett asked leave of absence for Senator Burdick. Granted.

Senator Rodolf asked leave of absence for Senator Egan. Granted.

Senator Rodolf asked leave of absence for himself. Refused.

Pending Senator Gill's motion for a call of the Senate,

Senator Virgin moved that the Senate do now adjourn.

The motion prevailed, and

The Senate adjourned.

MONDAY, FEBRUARY 13th, 10 o'clock, A. M.

Senate met.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Eggleston.

Roll called and a quorum present.

The reading of the journal of Saturday was dispensed with.

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Senator Gill asked leave of absence for himself for one week. Granted.

Senator Fratt asked leave of absence for Senator Rodolf until Wednesday. Granted.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Curtis:

No. 67, S., memorial of Robert H. Grace and twenty-one others, for the repeal of the Kilbourn city dam charter;

To committee on Incorporations.

By Sen. Curtis:

No. 68, S., memorial of John Kingston in relation to damages done by the Kilbourn city dam;

To committee on Incorporations.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred.

By Senator George Bennett:

No. 135, S., a bill for an act to amend the charter of the Kenosha, Rockford and Rock Island Railroad Company;

To committee on Railroads.

By Senator Ferguson:

No. 136, S., a bill for an act to amend an act entitled an act authorizing the consolidation of the Wisconsin and Minnesota Railroad Company and the Fox Lake and Wisconsin River Railroad Company, approved March 17th, 1859;

To committee on Railroads.

By Senator Masters:

No. 137, S. a bill for an act to authorize the commissioners of school and university lands to assign a certain mortgage;

To general file.

By Senator Washburn:

No. 138, S., a bill for an act providing for the collection of the purchase money due the State upon the sales of school, university and swamp lands;

To committee on Education, School and University Lands.

By Senator Simpson:

No. 139, S., a bill for an act relating to the duties of registers of deeds;

To Judiciary committee.

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By Senator Davis:

No. 140, S., a bill for an act to amend chapter 167 of the Revised Statutes, entitled "of offences against public justice."

To Judiciary committee.

By committee on Claims:

No. 141, S., a bill for an act to appropriate to Alexander McDowell the sum of $24 98;

To general file.

By Sen. Hutchinson:

No. 142, S., a bill for an act to amend section 1, of chapter 104, of the General Laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of LaCrosse county;"

To the Judiciary committee.

By Sen. Hutchinson:

No. 143, S., a bill for an act to amend section 2, of chapter 142, of General Laws of 1859, entitled "an act to provide for changing venue of actions pending in the county court;

To the Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Finance report back bill

No. 243, A.,

Without amendment and recommend its passage.

A. I. BENNETT, *Ch'n.*

On motion of Senator A. I. Bennett,

The rules were suspended, in order to pass

No. 243, A.,

The bill was ordered to a third reading,

Read a third time, and passed—ayes 18, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Davis, Ferguson, Fratt, Hilgen, Hutchinson, Masters, Maxon, Phillips, Seeley, Stewart, Sweat, Virgin, Washburn and Worthington—18.

The joint committee on Enrolled Bills, report that on the 11th inst., they presented to the Governor, for his approval, the following bills, to-wit:

No. 37, S., a bill for an act to amend section 10, of chapter 52, of the laws of 1859, entitled "an act relating to the Dane county court;"

No. 41, S., an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Milliard the right to keep and maintain a ferry across the Wiscon-

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sin river, in the towns of Prairie du Sac, county of Sauk, and Black Earth, Dane county;

No. 45, S., a bill for an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 61, S., a bill for an act to amend section twenty-seven, (27) of chapter one hundred and thirty-two, (132) of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions."

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Town and County Organization, to whom was referred

Bill No. 124, S., "a bill for an act to annex certain territory in the county of Pierce to the county of Pepin;"

Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its passage.

N. H. VIRGIN, *Ch'n.*

The committee on Claims, to whom was referred

Mem. No. 64, S.,

With

Acc. of Alexander McDowell, for protecting lands mortgaged to the State, by order of the Attorney General;

Have had the same under consideration, and report them back by

Bill No. 41, S., a bill for an act to appropriate to Alexander McDowell the sum of $24 90;

And recommend that said bill do pass.

Also,

Bill No. 134, S., a bill for an act to appropriate to the State Prison Commissioner the sum of $3,296 24;

And recommend said bill do pass.

N. H. VIRGIN, *Ch'n.*

On motion of Sen. Bartlett,

The rules were suspended in order to pass said

Bill No. 134, S.

The bill was ordered to a third reading;

And the bill passed by the ayes and noes—ayes 21, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Davis, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—21.

None voted in the negative.

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The committee on Education, School, and University Lands, to whom was referred the petition of W. B. Lawrence and others, relating to school laws, asking that the inhabitants of school districts be prohibited from levying any tax, without the consent of the town superintendent, deem it inexpedient to grant the petition. Under existing laws, no tax for school houses can be levied exceeding five hundred dollars, without such consent, and this is deemed all the restriction that is practicable. It is true that it sometimes happens that an unjust and burdensome tax is voted; but it is deemed safer to risk an excessive tax by the inhabitants, occasionally, than to give authority to an officer to defeat every tax, however necessary.

The committee therefore, recommend that the prayer of the petitioners be not granted.

Also,

Mem. No. 61, S., and recommend that the mover have leave to withdraw the same.

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred,

Mem. No. 56, S.,

The petition of inhabitants of Pierce county, in relation to university lands, asking a remission of all interest to become due for the next five years upon such lands;

Have had the same under consideration, and directed me to report the same back, with recommendation that the prayer of the petitioners be not granted.

HUTCHINSON, *Chln.*

The committee on Education, School and University Lands, to whom was referred

No. 42, A., a bill for an act exempting certain university lands from taxation;

Have had the same under consideration and make report that Galesville University was incorporated by act of the Legislature, and its entire endowment made by voluntary subscription by the inhabitants of those counties to be effected by this bill. These subscriptions have been paid almost wholly by conveyances of land to the trustees, and by a community of labor they have erected a very commodious building, and the school is now in successful operation, and in its prosperity the inhabitants have a deep and common interest. The ordinary revenue is insufficient to pay the current expenses of the institution, and, of course, there are no means of converting their real estate endowment into personal property, that it might be within the reach of the exemption for institutions of learning.

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It is thus evident that they have no means with which to pay the taxes upon their endowment, and without relief these lands must be forfeited, and the institution itself must be closed. As your committee are informed that the inhabitants of the counties in which they are situate are willing to take these taxes upon themselves, and relieve the institution, it is recommended that this bill pass.

HUTCHINSON, *Ch'n.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, Feb. 10, 1860.

To the Honorable the Senate:

I am in receipt of resolution No. 37, S., asking information whether I have authorized any person to seize any timber cut upon any "swamp or overflowed lands belonging to this State," and if so, whether any contract has been made with such person, and what amount has been paid to such person for such services.

In the winter of 1858, I employed Noble A. Spooner to proceed to the northern part of the State to examine as to any trespasses committed upon "swamp and overflowed lands" and "school lands," and gave him authority to seize any timber cut upon such lands belonging to the State. He was absent several weeks, returned, made his report, and I paid him for his services and expenses the sum of $80, out of the contingent fund. He performed no further service, and has no further claim. This fact was reported to the Legislature one year ago as one of the items in the expenditure of the contingent fund.

A year ago last spring, I authorized Charles H. Cox to seize wood and railroad ties on islands in the Wisconsin river, belonging to the State. He made a seizure of a large quantity of each. I am informed that some of the ties and much of the wood have been carried off by high water, and are lost. He has presented no charge against the State, and has been paid nothing.

Francis W. Newland was authorized by letter from me under the provisions of chap. 29, of the Revised Statutes, to seize timber, &c., upon these public lands belonging to the State. So far as I am informed, he has made no seizures. Having done nothing, he is entitled to nothing as compensation for it. No contract was made with these men as to what compensation they were to receive. They were entitled to a fair compensa-

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tion for services actually performed in the line of the law. If they do nothing they get nothing.

During the present session of the Legislature the commissioners of school and university lands appointed Charles R. Tyler to examine lands in Oconto, Brown, Door and Manitowoc counties.

Paul D. Hayward to examine lands in the several counties north of Columbia county bordering on the Wisconsin river.

S. W. Smith for the several counties bordering on the Wolf river lying north of Winnebago county. They were appointed to examine for the purpose of ascertaining whether trespasses were being committed, and if so, to obtain and furnish the District Attorneys of the several counties with sufficient proof to enable them to prosecute such trespassers. They received their instructions from the commissioners and their compensation was fixed by them.

After the appointment of these agents by the commissioners, I filed in the office of the Secretary of State a letter of authority, of which the following is a copy:

EXECUTIVE OFFICE,
MADISON, January 16th, 1860.

Hon. L. P. HARVEY, *Secretary of State:*

I have this day authorized the employment of the following named persons for the counties named herein, to perform the duties described in sec. 9, of chap. 29, of the Revised Statutes under the instructions of the commissioners of school and university lands, to-wit:

Charles R. Tyler, for the counties of Oconto, Door, Kewaunee, Manitowoc and Brown.

Sewall W. Smith, for the counties of Shawano, Outagamie and Waupaca.

Paul D. Hayward, for the counties of Adams, Juneau, Portage, Marathon and Wood.

ALEX. W. RANDALL.

These were all acting under specific instructions from the commissioners.

I submit herewith a copy of communication from the Commissioners of School and University Lands, which will give more full information upon the subjects enquired of. I also transmit two bills, drawn by the Attorney General, providing more efficient means for the protection of our public lands from trespassers, which I commend to the careful consideration of the legislature.

The small sums paid to agents, or persons employed to

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stop these wholesale trespasses, are trifles, compared with the great losses constantly occurring for want of necessary means of protecting these lands.

ALEX. W. RANDALL.

OFFICE OF COMMISSIONERS OF S. AND U. LANDS,
MADISON, FEB'Y 10, 1860.

To His Excellency, the Governor of the State of Wisconsin:

Very soon after the present Commissioners entered upon the discharge of their duties as such, they received communications from the different portions of the State, calling their attention to the trespasses being committed upon school, university and swamp lands of the State.

Letters were received from the district attorneys of Oconto and Shawanaw counties, upon this subject, copies of which are hereto annexed.

Section 71, of chapter 28, of the Revised Statutes, gives the general care and supervision of all lands belonging to the State, to this department.

Section 6, of chapter 29, Revised Statutes, makes it the duty of the district attorney to prosecute trespassers upon the swamp lands of the State.

Section 9, of the same chapter, authorizes the Governor to cause to be seized and sold at public auction, all timber, &c., cut from swamp and overflowed lands of the State.

The commissioners felt called upon, in view of the well known fact that the principal value of these lands in the northern and north-eastern portions of the State, consisted in the timber with which they were covered, to exercise their care and supervision, by the appointment of clerks, who should visit the localities named, for the purpose of ascertaining whether trespasses were being committed, and if so, to obtain and furnish the district attorneys of the several counties, with sufficient proof to enable them to prosecute such trespassers. Your Excellency has also empowered the same clerks to seize and sell any timber, &c., under provision of said section 9.

As it was thought desirable to act promptly, the Commissioners did not await further action of the legislature, but despatched those clerks at once, as hereinafter named. For the same reason, and in order that several localities might be visited and examined at the same time, the clerks were authorized to employ other persons, for a limited time, and fora limited compensation.

The Commissioners appointed Charles R. Tyler to examine lands in Oconto, Brown, Door and Manitowoc counties.

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Paul D. Hayward for the several counties north of Columbia county, bordering on the Wisconsin river.

S. W. Smith for the several counties bordering on the Wolf river, lying north of Winnebago county.

A copy of the order appointing these clerks, with a letter of instructions, is hereto annexed.

You will observe that the clerks are appointed only until further order, and at a salary of $800 per annum, for the time actually employed. The commissioners have every reason to be satisfied with the services of Mr. Tyler and Mr. Hayward. They are proceeding with great prudence and energy, in the discharge of their duties, and important and valuable results have already followed their action.

With Mr. Smith, the result thus far has not been satisfactory. He seems to have misunderstood his instructions. Instead of acting as a detective, he has proceeded at an expense utterly disproportionate to any service he could render, as though he was to take possession of a hostile country. As soon as information reached the commissioners of his transactions, they were at once repudiated by them, in a letter transmitted to him on the 2d of February instant.

Neither the department nor the State are liable for such expenses, as have been incurred by Mr. Smith for an outfit, and they will not be paid. Such additional instructions have been sent him as will, it is hoped, render his services of value to the State. If they shall not, he will be promptly recalled. Some additional legislation would seem to be necessary in the matter.

The Commissioners submit, herewith, two bills, which they respectfully ask may be transmitted to the legislature, with such recommendations as your Excellency may think they merit.

Respectfully submitted.

L. P. HARVEY,
SAMUEL D. HASTINGS,
JAMES H. HOWE,
Ex-Officio Commissioners of School and University Lands.

OCONTO, December 28, 1859.

HON. JAMES H. HOWE:—The practice of cutting timber upon the State lands prevails in this county extensively. This custom has prevailed so long that the memory of man runneth not to the contrary. The present season they are making an awful descent upon the tall timber, upon both the school and swamp lands. The lands upon which these trespasses are be-

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ing committed have been sold, I think, and subsequently forfeited.

It would be little use, in most cases, to prosecute for damages, as the parties are generally irresponsible, pecuniarily. If an agent is sent here to watch these lands, it is quite necessary that he have power to appoint sub-agents, as the county presents a larger field than one man could well superintend.

Yours, truly,

JOHN J. McCLELLAN,
District Attorney of Oconto County.

SHAWANO, January 6, 1860.

HON. JAMES H. HOWE:

Sir: I think that waste is being committed on school lands in this county, belonging to the State, but am not certain, as some of the lands in this county have recently been sold. I would like to have an abstract of the school lands in this county, as I wish to put a stop to the unlawful cutting of timber on school lands in this county.

Yours truly,

GEO. B. EDMONDS,
District Att'y for Shawano County.

STATE OF WISCONSIN,
OFFICE OF COMMISSIONERS OF SCH. & UNIV. LANDS,
MADISON, Jan. 14, 1860.

Whereas, it is represented that trespasses are being committed on the State lands, in the counties of ———, it is ordered that ——— be employed to proceed immediately to said counties, and to examine said State lands, including those sold on contract; that he be authorized to employ such assistance as may be necessary for the prompt discharge of said duties, at an expense not exceeding two dollars and fifty cents per day to the State, for each person employed. That should he find any person or persons cutting or removing timber therefrom, or in any manner trespassing upon said lands, he report the same in writing, with all necessary facts and circumstances, to this board, and also to the District Attorney for the counties in which such trespasses are being, or have been committed. It is also made a part of his duty to ascertain and report the names of all witnesses by which such trespassing can be proved.

It is further ordered that the compensation of said ——, be

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at the rate of eight hundred dollars per annum, and necessary travelling expenses, for the time he shall be employed by the commissioners.

(Signed) L. P. HARVEY, *Sec. of State*,
SAM'L D. HASTINGS, *State Treas.*,
JAMES H. HOWE, *Atty General*,
Ex-Officio Commissioners of School and University Lands.

OFFICE OF S. AND U. LAND COMMISSIONERS,
MADISON, Jan. 8, 1860.

SIR: In discharging the duties of your appointment, you will employ such a number of assistants as are necessary for their *prompt* discharge; but at as small expense to the State as possible. It is desired that you, or some one employed by you, should visit each lumbering section at the earliest possible moment, in order that you can learn upon what particular tracts lumbering operations are now being carried on; and when a tract of school, university or swamp land is trespassed upon, you should immediately order the trespasser to desist, and take immediate steps to ascertain the tract of land, and all other facts, to enable the district attorneys to prosecute any action they may deem advisable.

You are particularly required to report to this office all your proceedings under your appointment, at least once in each week, unless you are prevented by absence from a post office.

For the commissioners.

JAMES H. HOWE,
Attorney General.

Referred to committee on Public Lands.

EXECUTIVE OFFICE,
MADISON, Feb. 11, 1860.

To the Honorable the Senate and Assembly:

As requested by a resolution of the Legislature of the State of New York, I herewit transmit a resolution of the Legislature of that State against the re-opening of the slave trade.

Respectfully,

ALEX. W. RANDALL.

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Concurrent Resolutions in relation to the re-opening of the Slave Trade:

STATE OF NEW YORK,
IN ASSEMBLY, April 12th, 1859.

Resolved (if the Senate concur), That this Legislature and the citizens of this State, look with surprise, mortification and detestation upon the virtual reopening, within the federal union, of the Slave Trade; that against this invasion of our laws, our feelings, and the dictates of christianity, we solemnly protest here, as we will protest elsewhere, and especially at the ballot box; that we call upon the citizens of this Union to make common cause, in the name of religion, humanity, and as friends of principles underlying our system of government, to unite in bringing to immediate arrest and punishment, all persons engaged in the unlawful and wicked slave trade, and hereby instruct our Senators and Representatives in Congress, to exert all lawful powers for the immediate suppression of the infamous traffic.

Resolved, (if the Senate concur), That the Executive of this State be required to transmit a copy of this resolution to the Legislatures of the several states of the Union, and earnestly request their co-operation in arresting this great wickedness.

By order of the Assembly,
WM. RICHARDSON, *Clerk.*

IN SENATE, April 18, 1859.

Concurred in without amendment.

By order,
S. P. ALLEN, *Clerk.*

Referred to committee on Federal Relations.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the Senate amendment to

No. 176, A., a bill for an act to authorize the State Superintendent of Public Instruction to apportion certain school money to the city of Mineral Point.

I am also directed to inform you that the Assembly has passed

No. 75, A., a bill for an act for the relief of settlers on the 16th section, town 26, range 15, in Shawano county.

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No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc.

No. 270, A., a bill for an act to authorize the levying and collection of a special tax in that portion of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;

And asks the concurrence of the Senate in the same.

I am also directed to request that the Senate return to the Assembly, for further action,

No. 258, A., a bill for an act to appropriate to the officers and employees of the Assembly of 1860, a certain sum of money.

I am further directed to inform you that the Assembly has adopted

J. Res. No. 21, A.,

Referring bill No. 205, A., to a select committee,

And asks the concurrence of the Senate in the same.

I am further directed to return to you for correction,

No. 17, S., a bill for an act to remit certain penalties imposed by section 59, chapter 28, of the Revised Statutes, entitled "of school and university lands;"

As provided for under joint resolution No. 19.

ASSEMBLY MESSAGE CONSIDERED.

Said bill,

No. 75, A.,

Was read first and second times, and

Referred to committee on Education, School and University Lands.

No. 111, A.,

Was read first and second times, and

Referred to committee on Banks and Banking.

Senator Ferguson moved to suspend the rules in order to pass bill No. 270, A.;

Carried.

The ayes and noes being required,

The bill was passed by the following vote—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Davis, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—22.

None voted in the negative.

On motion of Sen. A. I. Bennett, bill

No. 258, A.,

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Was taken from the table and ordered to be returned to the Assembly for further action.

J. Res. No. 21, A.,

Was laid over under the rules.

Sen. Hutchinson moved to amend the title of bill No. 17, S., by striking out the same and inserting the following: An act to repeal chapter 201 of the General Laws of 1859, entitled an act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled of school and university lands;

The motion prevailed and the title was amended.

The following bills were each read first and second times and placed in the general file:

No. 247, A., a bill for an act to appropriate to Wright & Paine the sum of $44 63;

No. 248, A., a bill for an act to appropriate to D. R. Clements the sum of $41;

No. 249, A., a bill for an act to appropriate to C. V. N. Kittridge the sum of $188 61;

No. 250, A., a bill for an act to appropriate to Wm. J. Gill the sum of $30;

No. 251, A., a bill for an act to appropriate to Thomas B. Lacey the sum of $87 68.

No. 244, A., a bill for an act to appropriate to A. Burnham, Jr., the sum of $18;

No. 245, A., a bill for an act to appropriate to John F. Lessey the sum of $39;

No. 246, A., a bill for an act to appropriate to Geo. Paine, the sum of $136 67.

SPECIAL ORDER.

No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend section 3, 8, and 13, chapter 118, of Revised Statutes;

Which was laid over till to-day, was taken up;

Sen. Seeley moved that the further consideration of the bill be postponed until Wednesday next;

Lost.

The question occurring on ordering the bill to be engrossed, the bill

Was ordered engrossed for a third reading;

Sen. Washburn moved that the rules be suspended, in order to pass said bill;

On this motion, the ayes and noes were called for;

Pending said motion,

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Sen. Seeley moved a call of the Senate;
Sen. Washburn withdrew his mation;
Sen. Seeley withdrew his motion.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

No. 82, S., a bill for an act to authorize the Tradesman's Bank to reduce its capital stock;

And

No. 83, S., a bill for an act to permit the Bank of Oconto to reduce its capital stock.

The Assembly has passed, and asks the concurrence of the Senate in

No. 233, A., a bill for an act providing for additional terms of the circuit court for the county of Racine;

No. 260, A., a bill for an act to detach certain territory now included in school district of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county;

No. 268, A., a bill for an act to appropriate to E. Martin the sum of $30;

No. 187, A., a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 17th, 1856;

No. 194, A., a bill for an act to incorporte the Fountain City Social Gymnastic Association;

No. 195, A., a bill for an act to amend chapter 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

No. 199, A., a bill for an act to amend section 86, of the Revised Statutes, entitled "of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages;"

No. 265, A., a bill for an act to appropriate to A. P. Lipe the sum of $44;

No. 266, A., a bill for an act to appropriate to Edmund Gibbs the sum of $210 21;

No. 267, A., a bill for an act to appropriate to D. C. Poole the sum of $41 07;

On motion of Senator A. I. Bennett,

The Senate went into

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COMMITTEE OF THE WHOLE

On the general file,

Sen. Maxon in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 7, A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

And,

No. 75, S., a bill for an act to amend chapter 205, of General Laws of 1859, entitled "an act to repeal so much of chapter 28 of the Revised Statutes, as authorizes or directs the appraisal of the school or university lands," approved March 25th, 1859;

And,

No. 70, S., a bill for an act relating to the publication of legal notices;

With recommendation to pass.

No. 63, S., a bill for an act to authorize the board of supervisors of the several counties in this State, to appoint a Superintendent of County Poor;

With an amendment, and the recommendation to pass when so amended.

No. 71, S., a bill for an act to amend chapter 7, of the Revised Statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass;"

With recommendation of indefinite postponement.

On motion of Senator Ferguson,

The Senate adjourned.

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TUESDAY, February 14th, 10 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Peck.
Roll called and quorum present.
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Senator Comstock:

No. 69, S., memorial of J. Jackson Brown and others, in relation to the Kilbourn City dam charter.

Memorial to the Legislature of the State of Wisconsin:

Your memorialists, citizens of Kilbourn City and vicinity, having learned that efforts are being made to induce your Honorable body to repeal the charter under which the dam at this place has been constructed, respectfully represent:

That the said dam has been constructed at great expense; that the slide, as first built, was very costly, and before trial was generally believed to be the best slide on the river, and that it would pass lumber in entire safety. On trial of the chute, however, last spring, it was found to be defective, and considerable lumber was injured in passing over it. As the Wisconsin River Hydraulic Company, which owned the dam, could not at that time raise the means for the purpose, appeals were made to the people to assist, so as to fix the slide, that lumber might pass without injury; and they did make every exertion in their power, but on account of high water and other obstacles, no permanent alteration could be then made. In the summer, when the water was low, the people again came forward, and by the help of some of the lumbermen, whom the company had employed, shortened the chute, cut down the breast, and made other alterations, according to a plan agreed upon between them and the lumbermen. After this, we fully believe, the slide would have run well, had it not been for the fact that the crib work, which had been uncovered in shortening, was left in such a rough state that logs, timber, roots, &c., in passing through were caught thereon, which, together with the oak logs

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which were suffered to sink below in the repair of the shute, had the effect to seriously damage the rafts in passing through.

But there has been no way, since these facts were ascertained, that these defects could be remedied. Thus the matter now stands. But the company, we now learn, have made arrangements for raising an amount of money which they believe will be sufficient to fix the slide, so that lumber will hereafter pass in safety; and we understand that the work of fixing is to be immediately commenced, so that it may be completed before the water shall rise.

Your memorialists, while they are aware that the dam and slide *must* be so fixed or removed, so as to allow lumber to pass in safety, respectfully remonstrate against a repeal of the charter, for the following reasons, viz:

1st. We are convinced that the slide can be repaired, and perhaps, a place also made for running in the centre of the dam for a very small part of the expense which will be necessary to remove, even enough of the dam to let rafts pass through safely. In fact we fear, that if the attempt at removal shall be made, there can only enough be done to make it impracticable for rafts to pass at all next spring without destruction.

2d. It has been proved beyond a doubt, that the dam by slacking water in the Dells, has made that formerly dangerous part of the Wisconsin river, nearly as safe as any other part.

3d. If the dam and chute shall be fixed that lumber can pass in safety, we do not doubt that the maintenance of a large water power here, and the creation of extensive manufacturing establishments, will materially benefit the lumbering interests, and incidentally the interests of the State.

4th. Most of us have expended all we had for property in Kilbourn City, or farms in the vicinity, at high prices, with the expectation that the water power would make our property valuable, and many of us have since given all we possibly could in money or labor, to endeavor to save the lumbermen from harm, and now if the water power shall be destroyed, what little we had supposed we had accumulated for the future support of our families, must be swept from us entirely, or rendered almost worthless.

5th. We known that it is the general, if not the universal opinion, that the dam and slide can be fixed at not a very great expense, so as to be at least as safe as any other dam and chute on the river, while it is our opinion that it is impracticable with the expenditure of $10,000, or even $20,000, to clear out the dam only to low water mark.

For these and other minor reasons which might be maintained, we urge that the charter should not be repealed, but that

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the dam and slide should at once be altered, that there shall hereafter be no harm done to lumber, believing that thereby the interests of our town and the farming regions about, and the lumber interests themselves will be best promoted—and your memorialists will ever pray.

Dated at Kilbourn City, Feb. 10, 1860.

J. Jack. Brown,	Kilbourn City,	Thos. F. Rich,	Dell Prairie,
A. S. Barker,	do	L. F. Knox,	do
Jacob Clapper,	Dell Prairie,	J. L. Griffith,	Kilbourn City,
F. Heberlein,	Kilbourn City,	Adam C. Dixon,	do
A. Holley,	do	J. M. Weller,	do
D. B. Kuney,	do	W. H. Hubbell,	Dell Prairie,
H. H. Beardsley,	Dell Prairie,	W. G. Gardner,	Kilbourn City,
Wm. Carwell,	do	Michael Laffan,	Newport,
John D. Stowell,	do	Michael Kelley,	Kilbourn City,
S. S. Gates,	do	A. Murray,	do
M. S. Hopper,	do	Seth Knowles,	do
J. A. Sexton,	do	C. D. Johnson,	do
F. Glazer,	Kilbourn City,	E. W. Wair,	do
R. E. Scott,	do	C. Teshner,	do
Wm. H. Boyd,	do	A. Wright,	do
L. L. Thayer,	do	A. M. Coonds,	do
D. U. Chickering	do	A. H. Bigstus,	do
Ulmer F. Hinds,	do	Bernard King,	do
Charles A. Cady,	Newport,	David Stillwell,	do
D. F. Siewert,	Kilbourn City,	S. S. Barker,	do
Joshua Robinson,	Dell Prairie,	G. A. Boyd,	do
John Anderson,	Kilbourn City,	Charles Miller,	do
H. Duryre,	do	Benjamin Hoyt,	do
E. L. Stevens,	Lyndon,	Geo. Weidenbaher,	do
Gottfried Shindler,		N. Vanalstine,	do
Carl Lente,	Kilbourn City,	A. H. Chickering,	do
Julius Lente,	do	Michael Brahm,	do
Geo. Topping,	Newport,	Enos Vliet,	do

To committee on Incorporations.

By Sen. Hotchkiss:

Mem. No. 70, S., of I. F. Hermahn and 92 others, for removal of county seat of Sheboygan county, to Plymouth;

To committee on Town and County Organization.

By Sen. Hotchkiss:

Mem. No. 71, S., of A. Shimer and 120 others, citizens of Sheboygan Falls, for removal of county seat of Sheboygan county, to Plymouth;

To committee on Town and County Organization.

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By Sen. Simpson:

Mem. No. 72, S., of James McNight and others, against the passage of a law authorizing William Knowles to build a dam across the Pecatonica;

To committee on Roads, Bridges and Ferries.

By Sen. Phillips:

Mem. No. 73, S., of B. F. Smith and a good many others, of Taychedah, Fond du Lac county, praying for relief in consequence of the rise of the water of Lake Winnebago, by dams at Menasha and Neenah;

To committee on State Affairs.

By Sen. Decker:

Mem. No. 74, S., petition of E. B. Stevens and 90 others, for the organization of Door county for judicial purposes;

To committee on the Judiciary.

By Sen. Decker:

Mem. No. 75, S., remonstrance of O. P. Graham and 279 others against the organization of Door county for judicial purposes;

To the committee on the Judiciary.

By Sen. Decker:

Mem. No. 76, S., petition of Solomon Berry and 119 others, relating to State tax in Door county;

To committee on State Affairs.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Burdick:

No. 144, S., a bill for an act to appropriate to G. H. Wells the sum of money therein named;

To committee on Claims.

By Sen. Burdick:

No. 145, S., a bill for an act to appropriate to Pease & Comstock the sum of money therein named;

To committee on Claims.

By Senator Burdick:

No. 146, S., a bill to appropriate to Thomas L. Terry & Co. the sum of money therein named;

To committee on claims.

By Senator Washburn:

No. 147, S., a bill for an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto;

To Judiciary committee.

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By Senator Virgin:

No. 148, S., a bill for an act to amend section 1, of chapter 51, of the Private and Local Laws of 1858, entitled an act to authorize school district No. 5, in the town of Platteville, in Grant county, to borrow money;

To committee on Education, School and University Lands.

By Senator Bartlett:

No. 149, S., a bill to amend chapter 35, of the Revised Statutes, entitled "of excise;"

To Judiciary committee.

By Senator Bartlett:

No. 150, S., a bill to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of the proof and recording of conveyances and the cancelling of mortgages;"

To Judiciary committee.

By Senator Bartlett:

No. 151, S., a bill for an act to authorize the Methodist Episcopal Church in the village of East Troy, to mortgage or sell the property of said church;

To committee on Incorporations.

By Sen. Bartlett:

No. 152, S., a bill for an act to amend chapter 134, of the Revised Statutes, entitled, "of executions, and proceedings supplementary thereto;"

To the Judiciary committee.

By committee on Claims:

No. 153, S., a bill for an act to appropriate to A. L. Burke the sum of $264 20;

To general file.

By committee on Claims:

No. 154, S., a bill for an act to appropriate to Simon Sekles the sum of $66;

To general file.

On motion of Sen. Virgin, said bill,

No. 153, S., was taken from the general file,

The rules were suspended in order to put the bill upon its passage, and

The bill was read the third time.

On the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 24, noes 0;

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Sweat, Taylor, Virgin, Washburn and Worthington—24.

None voted in the negative.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Simpson:
Res. No. 41, S.,

Resolved, That the committee to whom was referred No. 127, S., a bill to abolish the county board of supervisors and establish a board of county commissioners, have until Friday next to make their report on said bill.

Adopted.

By Senator Stewart:
Res. No. 42, S.,

Whereas, sundry banks of this State are seeking the passage of bills to reduce their capital stock respectively, which, it is believed, is calculated to materially reduce the current revenues of the State, or make the taxes more burdensome upon other species of property, therefore

Resolved, That the Finance committee be instructed to ascertain and report, without delay, the effect of such reduction of the capital stock upon the revenues of the State.

Adopted.

RESOLUTIONS CONSIDERED.

J. Res. No. 21, A.,

Referring bill

No. 205, A., to a select committee, which was yesterday received from the Assembly,

Was taken up;

Sen. Davis moved that the resolution be committed to the Columbia county delegation;

Carried.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared the following bills and find them correctly engrossed:

No. 17, S.; a bill for an act to repeal chapter 201, of the General Laws of 1859, entitled "an act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled 'of school and university lands;'"

Also,

No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend sections 3, 8, and 13, chapter 118, Revised Statutes.

C. COMSTOCK, *Ch'n.*

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The committee on Enrolled Bills report that they have examined the following bills and memorial, and find them correctly enrolled, viz:

No. 25, S., for an act to repeal chapter 114 of General Laws of 1859, conferring civil jurisdiction upon the county court of Crawford county;

No. 83, S., for an act to permit the Bank of Oconto to reduce its capital stock;

No. 82, S., for an act to authorize the Tradesman's Bank to reduce its capital stock;

Mem. No. 1, S., being a memorial to the Congress of the U. S. in relation to the affairs of Indian tribes within the State of Wisconsin.

GEO. BENNETT, *Ch'n.*

The committee on Claims to whom was referred accounts

No. 4, S., the account of A. L. Burke, for serving requisition from Gov. A. W. Randall on Governor of Pennsylvania;

No. 22, S., the account of Simon Sekles for 330 copies of laws in German for the use of the Senate;

Have had the same under consideration, and report them back by bills

No. 153, S., a bill for an act to appropriate to A. L. Burke the sum of $264 20.

No. 154, S., a bill for an act to appropriate to Simon Sekles the sum of $66;

And recommend that said bills do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Roads, Bridges, and Ferries, to whom was referred

No. 30, A., entitled a bill for an act authorizing the county board of St. Croix county to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named;"

Also,

No. 80, A., entitled "a bill for an act to amend sections 66 and 84, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

Have considered the same and instructed me to report them back with the recommendation that they do pass.

Also,

No. 74, A., entitled "a bill for an act authorizing the county board of Douglas county, to lay out, establish, and improve, a road leading from Superior, through unsettled portions of the State, and to appropriate money thereupon;"

With an amendment, and, when so amended, recommend its passage.

P. B. SIMPSON, *Ch'n.*

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The amendment of the committee to said bill
No. 74, A.,
Was adopted, and the bill was placed on the general file.

The committee on Banks and Banking report back
No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc;
And recommend its passage.

D. WORTHINGTON, *Ch'n.*

The committee on Judiciary to whom was referred
No. 129, S., a bill for an act to amend section 9, of chapter 121, of the General Laws of 1859, entitled "an act for the more speedy and thorough collection of penalties, forfeitures and fines;"
Also,
No. 142, S., a bill for an act to amend section 1, of chapter 104, of the General Laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of LaCrosse county;"
Also,
No. 160, A., a bill for an act to amend section 7, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"
Also,
No. 184, A., a bill for an act authorizing the commissioners of school lands to vacate a certain sale to Ephraim Cole;
Have had the same under consideration, and herewith report the same back, with the recommendation that they severally do pass.

M. W. SEELEY, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed
No. 193, A., a bill for an act to provide for special terms of the circuit court, in the county of Trempeleau;
In which the concurrence of the Senate is requested.
I am directed to present to you for signature,
No. 176, A., an act to authorize the State Superintendent of Public Instruction to apportion certain school money to the city of Mineral Point;
No. 270, A., an act to authorize the levying and collection of a special tax in that part of the joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;
No. 243, A., an act to extend the time for the payment of State and county taxes in the city of Racine for the year 1859;
Which have been signed by the Speaker.

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ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 260, A., a bill for an act to detach certain territory now included in school district of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county;

To committee on Education, School and University Lands.

No. 187, A., a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 17th, 1856;

No. 194, A, a bill for an act to incorporate the Fountain City Social Gymnastic Association;

No. 195, A., a bill for an act to amend chapter 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

Were referred to the committee on Incorporations.

No. 199, A., a bill for an act to amend section 86, of the Revised Statutes, entitled "of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages;"

No. 233, A., a bill for an act providing for additional terms of the circuit court for the county of Racine;

Were referred to the Judiciary committee.

No. 268, A., a bill for an act to appropriate to E. Martin the sum of $30;

No. 265, A. a bill for an act to appropriate to A. P. Lipe the sum of $44;

No. 266, A., a bill for an act to appropriate to Edmund Gibbs the sum of $210 21;

No. 267, A., a bill for an act to appropriate to D. C. Poole the sum of $41 07;

Were placed on the general file.

On motion of Sen. Sweat, bill

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $100;

Was taken from the general file and recommitted to the Judiciary committee.

SPECIAL ORDER.

On motion of Senator Curtis,

No. 48, S., a bill for an act to amend an act entitled an act to prevent the sale of unripe cranberries, approved March 17, 1859;

Was taken up.

Senator Curtis moved to appoint a committee on conference on the bill; and

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The motion prevailed.

Senator Curtis moved to reconsider the last vote; and

The motion prevailed.

Senator Curtis moved that the Senate do not concur in the Assembly amendment to the said bill No. 48, S.; and

The motion prevailed.

Senator Hotchkiss moved to take from the general file bill No. 109, S., and refer the same to committee on Claims;

Senator Davis called for a division of the question;

Pending which,

Senator Virgin moved to lay the motion on the table;

The ayes and noes were called for, and

The motion prevailed—ayes 14, noes 12;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Hutchinson, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Curtis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Masters, Maxon, Simpson, Sweat and Taylor—12.

BILLS ON THEIR THIRD READING.

No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend sections 3, 8, and 13, of chapter 118, of the Revised Statutes, entitled "of grand and petit jurors;"

Sen. A. I. Bennett, moved to refer the bill to the committee on the Judiciary, with instructions to so amend the bill as to provide for the calling of 12 petit jurors as the regular panel, and providing for the issue of special veniries at the direction of the court, the court designating the locality from which such jury shall be called;

Sen. Virgin moved the previous question;

The motion was sustained,

And the main question ordered;

The question occurring on the passage of the bill;

The ayes and noes were called for, and

The bill was passed—ayes 20, noes 6.

Those voting in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Maxon, Simpson, Stewart Sweat, Taylor, Virgin and Washburn—20.

Those who voted in the negative were,

Senators A. I. Bennett, Hutchinson, Masters, Phillips, Seeley, and Worthington—6.

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REPORT OF THE COMMITTEE OF THE WHOLE,

Considered.

No. 71, S., a bill for an act to amend chapter 7, of the Revised Statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass;"

Senator A. I. Bennett moved to strike out all after the enacting clause and insert

SECTION 1. Section twenty-three of chapter seven of the Revised Statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass;" is hereby amended by adding to said section the following—"*provided*, that the provisions of this section shall not apply to towns embracing no more than thirty-six miles of territory."

SEC. 2. This act shall take effect and be in force from and after its passage.

Lost.

The question occurring on the recommendation of the committee of the Whole, to indefinitely postpone the bill, the recommendation was adopted, and the bill was indefinitely postponed.

No. 63, S., a bill for an act to authorize the board of supervisors of the several counties in this State, to appoint a superintendent of the county poor,

With amendments;

The question occurring on the adoption of the amendments recommended by the committee of the Whole, the amendments were adopted.

No. 7, A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

And

No. 75, S., a bill for an act to amend chap. 205, of General Laws of 1859, entitled "an act to repeal so much of chapter 28, of the Revised Statutes, as authorizes or directs the appraisal of the school or university lands," approved March 25th, 1859;

And

No. 70, S., a bill for an act relating to the publication of legal notices;

Were ordered engrossed for a third reading.

Sen. Worthington moved to suspend all rules in order to pass the appropriation bills which are now on the general file, and will not elicit debate, and

The motion prevailed.

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No. 134, A., a bill for an act to appropriate to S. R. Fox the sum of $133 93;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 136, A., a bill for an act to appropriate to C. W. Bennett the sum of $65;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 145, A., a bill for an act to appropriate to Whitman, Wolf, Duff & Co., the sum of $322 20;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn, and Worthington—26.

None voted in the negative.

No. 206, A., a bill for an act to appropriate to Josiah Woodworth the sum of $16 50;

The ayes and noes being required,

The bill was passed—ayes 36, noes 0.

Those who voted in the affirmative were,

Senators, Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 207, A., a bill for an act to appropriate to Charles H. Luce, the sum of $189 84;

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The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 208, A., a bill for an act to appropriate to B. W. Suckow the sum of $91 65;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagen, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 215, A., a bill for an act to appropriate to William G. Everitt the sum $157 51;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 244, A., a bill for an act to appropriate to A. Burnham, Jr., the sum of $18;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 245, A., a bill for an act to appropriate to John F. Lessey the sum of $39;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

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Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 246, A., a bill for an act to appropriate to George Paine the sum of $136 67;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 247, A., a bill for an act to appropriate to Wright & Paine the sum of $44 63;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 248, A., a bill for an act to appropriate to D. R. Clement the sum of $41;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stuart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 250, A., a bill for an act to appropriate to William J. Gill the sum of $30;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-

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stock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 265, A., a bill for an act to appropriate to A. P. Lipe the sum of $44;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stuart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 266, A., a bill for an act to appropriate to Edmund Gibbs the sum of $210 21;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 267, A., a bill for an act to appropriate to D. C. Poole the sum of 40 07;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 268, A., a bill for an act to appropriate to E. Martin the sum of $30;

The ayes and noes being required,

The bill was passed—ayes 26, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, See-

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ley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534 56;

The ayes and noes being required,

The bill was passed—ayes 26, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 102, S., a bill for an act to appropriate to Hudson Fox the sum of $125;

The ayes and noes being required,

The bill was passed—ayes 26, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 108, S., a bill for an act to appropriate to John D. Welch the sum of $40 50;

The ayes and noes being required,

The bill was passed—ayes 26, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co., the sum of $235 38;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

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None voted in the negative.

No. 141, S., a bill for an act to appropriate to Alexander McDowell, the sum of $24 90;

The ayes and noes being required,

The bill was passed—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A.I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—26.

None voted in the negative.

No. 154, S., a bill for an act to appropriate to Simon Sekles the sum of $66.

The ayes and noes being required,

The bill was passed—ayes 23, noes 0.

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Eagan, Fratt, Hilgen, Hotchkiss, Maxon, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—23.

MESSAGE FROM THE ASSEMBLY.

By John S. Dean, Esq., Assistant Clerk thereof.

MR. PRESIDENT:

I am directed to present for your signature

No. 25, S., a bill for an act to repeal chap. 114, of the General Laws of 1859, conferring civil jurisdiction upon the county court of Crawford county;

No. 82, S., a bill for an act to authorize the Tradesmen's Bank to reduce its capital stock;

No. 83, S., a bill for an act to authorize the Bank of Oconto to reduce its capital stock.

And

M. C., No. 1, S., in relation to the affairs of Indian tribes within the State of Wisconsin.

Which have been signed by the Speaker.

I am also directed to inform you that the Assembly has adopted

J. Res. No. 22, A.,

Ordering Governor's Message and other documents in the Norwegian language from Superintendent of Public Property;

In which the concurrence of the Senate is requested.

On motion of Senator Sweat,

The Senate adjourned.

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WEDNESDAY, FEBRUARY 15, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Davis:
Mem. No. 77, S., petition of William Scott and 75 other citizens of Columbia county, for a law fixing the compensation of town officers at one dollar per day;
To Judiciary committee.

By Sen. Curtis:
Mem. No. 78, S., of F. Windsor and five others, asking a reduction of the tax on foreign fire insurance companies;
To the committee on Finance.

By Senator Taylor:
Mem. No. 79, S., of Executive Committee of Wisconsin State Agricultural Society;

STATE AGRICULTURAL ROOMS,
MADISON, Feb. 11, 1860.

To the Honorable the Legislature of the State of Wisconsin:

Your memorialists, members of the Executive Committee of the Wisconsin State Agricultural Society, feeling that they are in an important sense the guardians of the agricultural interests of the State, and that as such it is their imperative duty to do all in their power for the promotion of those interests, most respectfully represent:

That no community or State can attain to the highest success in the pursuit of agriculture whose system practically ignores the raising of stock as an important branch thereof.

They further represent that for Wisconsin, whose lands and climate are so admirably adapted thereto, there is no branch of husbandry that, with proper care and adequate protection, can be more economically engaged in than the raising of sheep; since they not only help directly to keep up the fertility of the soil, but likewise furnish a staple of commerce which is easy of tranportation to the remote markets of the country, and whose demand is sure and price remunerative.

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They further represent, that notwithstanding all these natural advantages, the number of sheep now raised in the State, and the number of pounds weight of wool produced, are rather a just reproach than a credit to our agriculture.

They also represent, that, in their opinion, the little attention paid to this important branch of farming is not attributable to the lack of interest on the part of the farmers of the State, or to a slight appreciation of the importance of a mixed husbandry, but rather to the serious discouragement consequent upon oft repeated depredations on their flocks by the multitude of vicious and worthless dogs which infest almost every neighborhood of the State.

They further represent, that as members of the board of agriculture, they have been earnestly appealed to by a large number of the most intelligent farmers of every portion of the country, for their influence on behalf of *some* efficient measure for the restraining of dogs.

Believing, therefore, that some judicious legislation on the subject is imperatively demanded by the interests of the State, and that the system of registration and taxation which has been adopted with so great success in other States, is well calculated to secure the desired objects without infringing upon the rights of any citizen, we, your memorialists do most earnestly pray that the main provisions of bill No. 85, S., introduced by Senator Taylor, may become a law of the State.

Signed,

B. R. HINKLEY,
President.
J. I. CASE,
J. V. ROBBINS,
BERTINE PINCKNEY,
Vice Presidents.
JOHN W. HOYT,
Secretary.
DAVID ATWOOD,
Treasurer.
H. M. BILLINGS,
B. F. FERGUSON,
DAVID WILLIAMS,
I. A. LAPHAM,
O. T. MAXON,
CHAS. H. WILLIAMS,
E. W. EDGERTON,
J. F. WILLARD.
Additional Members Ex. Committee.

To committee on Agriculture.

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BILLS INTRODUCED ON LEAVE,

Read first and second time and referred.

By Sen. Davis:

No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin Reports;

To Judiciary committee.

By Sen. Virgin:

No. 156, S., a bill for an act to amend sections 8 and 16, of chapter 340, of the Private and Local Laws of 1856, "an act to incorporate the Arena and Dubuque Railroad Company;

To committee on Railroads.

By Sen. Thurbur:

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge across the Manitowoc river;

To committee on Roads, Bridges and Ferries.

By Sen. Stewart:

No. 158, S., a bill for an act relating to school university, swamp, and overflowed lands belonging to the State;

To committee on Public Lands.

By Sen. Eagan:

No. 159, S., a bill for an act to repeal chapter 148, General Laws of 1858, entitled "an act to exempt sixty days earnings to mechanics and laborers;

To Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared the following bills, and find the same correctly engrossed, viz:

No. 75, S., a bill for an act to amend chapter 205, of the General Laws of 1859, entitled "an act to repeal so much of chapter twenty-eight, of the Revised Statutes, as authorizes or directs the appraisal of school or university lands," approved March 25th, 1859;

Also,

No. 17, S., a bill for an act to repeal chapter 201, of the General Laws of 1859, entitled "an act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled "of school and university lands."

C. COMSTOCK, *Ch'n.*

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The joint committee on Enrolled Bills report that on the 15th inst. they presented to the Governor for his approval, the following bills, viz:

No. 243, A., for an act the extend the time for the payment of State and county taxes in the city of Racine, for the year 1859;

No. 270, A., for an act to authorize the levying and collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;

No. 176, A., for an act to authorize the State Superintendent of Public Instruction to apportion certain school money to the city of Mineral Point;

No. 82, S., for an act to authorize the Lumberman's Bank to reduce its capital stock;

No. 83, S., for an act to authorize the Bank of Oconto to reduce its capital stock;

No. 25, S., for an act to repeal chapter 114, of the General Laws of 1859, conferring civil jurisdiction upon the county court of Crawford county;

Mem. No. 1, S., a memorial to the Congress of the United States in relation to the affairs of Indian tribes within the State of Wisconsin.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
MADISON, February 14, 1860.

To the Honorable the Senate:

An act, entitled "an act to amend section (27) twenty-seven, of chapter one hundred and thirty-two, (32) of the Revised Statutes, entitled 'of issues, and mode of trial and judgment in civil actions;'" has been presented for my approval.

Section 2, of the act reads:

"This act shall take——from and after its passage."

It is very easy to guess what word ought to supply the omission in that section, though it is not certain in law, what was intended.

While it may not be a serious defect, I desire to call attention to it, lest by some carelessness or omission in the draft or enrollment of bills, mischief may be done.

There is an objection of a general character, against the whole intent of this act.

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The statute defines a judgment to be "the final determination of the rights of the parties in the action," and it means that everthing has been done, when a judgment is pronounced and entered, that ought to be done before it is so pronounced and entered. It implies that a court has passed upon the rightsof the parties in interest. A judgment in law, is the sentence, or doom, or conclusion, pronounced or enacted in any cause, criminal or civil, by the judge or court by which it is tried. It is a determination or decision of a judge or court. It may be rendered on demurrer, on a verdict, on a confession or default, or on a non-suit; but in all cases it implies a decision or determination of a judge or court before the rights of the parties are fixed. When we say a judgment has been entered by a clerk of a court, it is a legal fiction.

In my opinion no act of a clerk of a court, by assessment of damages, taking an account, or by mere record entries, ought to harden into a final determination of the rights of the parties to the action, until a term of court had passed, so that the law could at least presume that the judgment upon which an execution might issue, was the judgement of the court or judge, and not the judgment merely of a clerk. I look upon the law as it now stands in the portions of the statute proposed to be amended, as wise and salutory. I think the proposed change might be made productive of great mischief and oppression.

For the foregoing reasons and objections, I am constrained to return this bill to the Senate, where it originated, without my approval.

ALEX. W. RANDALL.

The question occurring on the passage of said bill
No. 61, S.,
Notwithstanding the Executive veto,
The ayes and noes being required,
The Senate refused to pass the bill—ayes 1, noes 19.
Senator Maxon voted in the affirmative.
Those who voted in the negative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hotchkiss, Masters, Phillips, Rodolf, Stewart, Virgin, Washburn and Worthington—19.

ASSEMBLY MESSAGE CONSIDERED.

Bill No. 193, A., a bill for an act to provide for special terms of the circuit court in the county of Trempeleau;

Was read first and second times, and referred to the Judiciary committee.

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J. Res. 22, A.,

Ordering Governor's message and other documents in the Norwegian language, from Superintendent of Public Property;

Was adopted.

Sen. Bartlett asked leave of absence for Sen. Hilgen for two days;

Granted.

Sen. Curtis moved that

Bill No. 164, A.,

Be taken from the general file and re-committed to the committee on Claims;

And the motion prevailed.

BILLS PASSED.

No. 7, A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

Was read third time, passed, and the title agreed to.

No. 75, S., a bill for an act to amend chapter 205, of General Laws of 1859, entitled an act to repeal so much of chapter 28, of the Revised Statutes, as authorizes or directs the appraisal of the school and university lands, approved March 21, 1859;

Was read a third time,

And the Senate refused to pass.

Sen. Burdick moved to re-consider the vote by which the Senate refused to pass said bill No. 75, S.,

And the motion prevailed.

The question then occurring on the passage of the bill,

The bill was passed and the title agreed to.

SPECIAL ORDER.

On motion of Sen. Washburn,

J. Res. No. 5, S.,

Proposing to amend section 1, of article 8, of the Constitution,

Was considered and read the third time.

The question occurring on the passage of the resolution, and

The ayes and noes being required,

The resolution was passed—ayes 19, noes 6.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Hotchkiss, Masters, Phillips, Seeley, Stewart, Sweat, Thurbur, Washburn and Worthington—19.

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Those who voted in the negative were

Senators Ferguson, Fratt, Maxon, Rodolf, Simpson and Virgin—6.

Sen. Stewart moved to re-consider the vote by which the Senate passed

J. Res. No. 5, S.,

The ayes and noes were called for and

The motion prevailed—ayes 19, noes 5.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Ferguson, Fratt, Masters, Maxon, Rodolf, Simpson, Stewart, Taylor, Thurbur, Virgin and Worthington—19.

Those who voted in the negative were

Senators Bartlett, Curtis, Phillips, Seeley and Washburn—5.

Sen. Simpson moved that the further consideration of the joint resolution be postponed till Friday next;

The motion prevailed.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

No. 134, S., an act to appropriate to the State Prison Commissioner the sum therein named.

I am also directed to present to you for your signature,

No. 205, A., an act to amend chap. 274, of the general and special statutes of 1850, entitled "an act granting to James B. Miller, the right to keep and maintain a ferry across the Wisconsin river, at Dekorra, in the county of Columbia;

Which has been signed by the Speaker.

On motion of Sen. Stewart,

The Senate went into

THE COMMITTEE OF THE WHOLE

On the general file,

Sen. Burdick in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

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No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door;

And

No. 89, S., a bill for an act for the relief of Nathan B. Langdon, and others;

And

No. 60, S., a bill for an act to authorize "The Citizens Bank, Oshkosh," to remove to Black River Falls, in Jackson county;

And

No. 73, S., a bill for an act to amend an act entitled "an act to establish a municipal court in the city and county of Milwaukee," approved March 18th, 1859;

And

No. 87, S., a bill for an act to legalize the proceedings of the district board of school district No. 5, of the town of Platteville, Grant county;

And

No. 94. S., a bill for an act to authorize the Oconto Bank to reduce its capital;

And

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;

And

No. 91, S., a bill for an act to amend subdivision 3, of section 45, of chapter 23, of the Revised Statutes, entitled "of common schools;"

And

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

And

No. 56, S., a bill for an act to authorize the Mechanics' Bank of Green Lake, to remove to Whitewater;

And

No. 67, S., a bill for an act to repeal chapter 157, of the Revised Statutes, entitled "of actions against the State;"

And

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;

And

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business;

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With the recommendation that they do pass.

No. 86, S., a bill for an act to authorize the Sauk City Bank to reduce its capital;

With a recommendation of re-commitment to committee on Banks and Banking.

No. 14, A., a bill for an act to authorize persons having a lien upon land to pay the taxes upon the same;

With a recommendation of re-commitment to Judiciary committee.

No. 92, S., a bill for an act to repeal chapter 216, of the General Laws of 1859, entitled an act to amend chapter 184, of the Revised Statutes, entitled "of inquests of the dead;"

With recommendation of indefinite postponement.

No. 14, S., a bill for an act to repeal chapter 155, of the General Laws of 1858, entitled an act providing for the appointment of a Comptroller, and prescribing his duties;

And,

No. 20, A., a bill for an act to amend chapter three, of the General Laws of 1859, entitled an act in relation to the publication of legal notices;

With amendments, and the recommendation to pass when so amended.

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150;

Without recommendation.

On motion of Senator Virgin,

The Senate adjourned.

THURSDAY, FEBRUARY 16, 10 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. McWright.

Roll called and a quorum present.

The reading of the journal of yesterday was dispensed with.

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LETTERS, PETITIONS, MEMORIALS, &c.,

By Sen. Comstock:

Mem. No. 80, S., memorial of the Milwaukee and Rock River Canal Company:

To the Honorable Senate and Assembly of the Legislature of Wisconsin:

Your memorialists, the Milwaukee and Rock River Canal Company, would respectfully call the attention of your honorable bodies to a subject in which the interests of your memorialists, and the honor and good faith of the State are materially concerned.

By an act of Congress, approved June 18th, 1838, a grant of land was made to aid in the construction of the Milwaukee and Rock River Canal, by the terms of which, the then Territory of Wisconsin was made a trustee to sell the lands and apply the moneys therefrom to "the purpose aforesaid, and to no other."

Your honorable bodies will perceive by an examination of the acts of the Legislature which followed, that the principal portion of the moneys thus held in trust, has been diverted to other objects of perhaps general benefit to the State, but of great injury and loss to your memoralists, who were induced to invest their means, to a great extent, in the construction of said canal, not deeming it possible that the Territory would violate its trust, or that the State government which succeeded it, would endeavor to evade any liability incurred for its benefit.

Your memorialists therefore pray that your honorable bodies will take such action on the subject, as will tend to liquidate the claim for monies advanced in the construction of said canal, should such claim, upon investigation, prove valid, by the laws creating this corporation, and the law of Congress designed to aid in the construction of said work.

For a more full and complete statement of the merits of this claim, your memorialists would refer to the report of the select committee of the House of Representatives of the Wisconsin Legislature of 1848, with the opinion of the Attorney General thereon, and also to the memorial of the company to the Legislature of 1854, which are hereto appended.

By order of the Board of Directors.

D. H. RICHARDS,
President.

Milwaukee, January 16, 1860.

To Judiciary committee.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Burdick:
J. Res. No. 11, S.,

Resolved, by the Senate, the Assembly concurring, That the Legislature adjourn *sine die* on the 5th day of March next;

Lies over.

By Sen. Curtis:
J. Res. No. 12, S.,

Resolved, by the Senate, the Assembly concurring, That it is hereby proposed to amend section 10, article 5, of the Constitution of this State, so that the part between the second and third periods of the same shall read as follows:

"If, after such consideration, a majority of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the members present, it shall become a law."

Resolved, That the amendment be referred to the Legislature to be chosen at the next general election, and that the same shall be published, under the direction of the Secretary of State, in such newspaper or newspapers as he may deem proper, at least three months previous to the time of holding such election.

Read first and second times, and referred to Judiciary committee.

By Sen. Seeley:
No. 43, S.,

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to procure, for the use of the Senate, and distribute postage stamps, as follows: three dollars in penny stamps, and three dollars in three cent stamps, to the Lieut. Governor and to each member of the Senate, the Chief-Clerk and the Sergeant-at-Arms, to the Post Master and Doorkeeper each three dollars, and to the subordinate clerks and officers of the Senate, each two dollars;

Adopted.

By Sen. Rodolf:
No. 44, S.,

Resolved, That the Judiciary committee of the Senate be instructed to inquire whether it does not become necessary to pass an act regulating and qualifying mechanic's liens in different grades, as the law grants ninety days for filing the same, and makes no provisions for redemption;

Adopted.

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By Sen. Davis:
No. 45, S.,

Resolved, That the Superintendent of Public Property be requested to report to the Senate the number and kind of public documents delivered to him by the State Printer since October 1st, 1859;

Adopted.

By Sen. Bennett:
No. 46, S.,

Whereas, Senators have been, and still continue to be, annoyed with newspapers from all parts of the State being crowded upon them without having been ordered by them, therefore

Resolved, That we will not hold ourselves responsible, either individually or as a body, for the payment for any papers which have not been by us individually ordered.

Sen. Burdick moved to amend by adding

"That publishers be requested to send in their bills for papers already furnished."

The amendment was lost.

The question occurring on the adoption of the resolution,

The Senate refused to adopt.

By Sen. Davis:
No. 47, S.,

Resolved, That the use of this hall is hereby granted, on Monday evening next, to the Superintendent of the institution for the education of the blind, for the purpose of exhibiting the progress of his pupils, and that the Sergeant-at-Arms be requested to make suitable arrangements for such exhibition;

Adopted.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. Maxon:

No. 160, S., a bill for an act to amend section 19, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings thereon;"

To the Judiciary committee.

By Sen. Comstock:

No. 161, S., a bill for an act to authorize a final settlement with the Milwaukee and Rock River Canal Company;

To the Judiciary committee.

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By Sen. Hutchinson:

No. 162, S., a bill for an act to incorporate the North Western Scientific Association;

To committee on Incorporations.

By Sen. Hutchinson:

No. 163, S., a bill for an act to amend chapter 252, of the Local Laws of 1858, entitled "an act to amend an act to incorporate the city of La Crosse," approved March 14, 1856;

To committee on Incorporations.

By Sen. Taylor:

No. 164, S., a bill for an act for the protection of religious assemblies;

To committee on Benevolent Institutions.

By Sen. Comstock:

No. 165, S., a bill for an act relating to indictments;

To Judiciary committee.

By Com. on Public Lands:

No. 166, S., a bill for an act to amend section 52. of chapter 28, of the Revised Statutes, entitled "of the school and university lands;"

On motion of Sen. Stewart,

The rules were suspended in order to pass said bill

No. 166, S.

The question occurring on the third reading and passage of the bill,

Sen. Curtis moved that the bill be referred to the committee on Public Lands;

Withdrawn.

Sen. Decker moved to refer the bill to a select committee of three;

And the motion prevailed.

The President appointed Senators Decker, Hutchinson and Curtis said committee.

By committee on Banks and Banking:

No. 167, S., a bill for an act concerning bills of exchange and promissory notes.

To general file.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined

Bill No. 134, S., entitled an act to appropriate to the State Prison Commissioner the sum therein named;

And find it correctly enrolled.

GEO. BENNETT, *Ch'n.*

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The committee on Engrossed Bills, have examined and compared

No. 70, S., a bill for an act relating to the publication of legal notices;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The joint committee on State Prison, in the discharge of their duty, have visited and examined the "State Reform School," and beg leave to submit the following report:

Your committee, after a careful and thorough examination of the "State Reform School" building and grounds, and a complete comparison of the commissioner's accounts, vouchers, contracts and last report, are gratified in being able to report favorably of each. The building is of the most substantial and durable character in materials and structure, and of very convenient and judicious internal arrangement.

The choice of location is deemed most appropriate, and highly creditable to the judgment of the commissioners. A thorough inspection of the various "bids" which were received for doing the work, and a comparison of all with those accepted by the commissioners, convinced your committee of the sound economy exercised in contracting for the erection and completion of the building. The accounts, vouchers, and last report of the commissioners, were fully examined and compared, and found to be correct. It will be seen by reference to the commissioners last report, that the building is rapidly approaching completion, and that to liquidate present indebtedness, and to meet existing contracts for the completion of the building, and to provide for slight contingent expenses, will require an appropriation of $15,000, the granting of which is recommended. In furnishing the building, your committee would recommend that the "board of commissioners" of the "State Reform School," be instructed to purchase of the "State Prison Commissioners" all such articles of prison manufacture as can be obtained and used for the purpose of the complete furnishing of said building.

All of which is respectfully submitted.

O. F. BARTLETT, *Ch'n Senate Com.*
ALBERT ALDEN, *Ch'n Assembly Com.*
CLARKSON MILLER,
M. W. SEELEY.

The committee on Public Lands to whom was referred so much of the Governor's Message as refers to swamp and overflowed lands, ask leave to submit the accompanying bill, and recommend its passage.

J. W. STEWART, *Ch'n.*

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The committee on Claims, to whom was referred bills

No. 144, S., a bill to appropriate to G. H. Wells, the sum of $3, for publishing General Law, chap. 17, 1860;

No. 145, S., a bill to appropriate to Pease & Comstock, the sum of $3, for the same;

No. 146, S., a bill to appropriate to Thomas L. Terry & Co., the sum of $3, for same;

Have had the same under consideration, and report them back with the recommendation that they do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Incorporations to whom was referred

No. 101, A., entitled a bill for an act to amend chapter 46. General Laws, 1859, entitled "an act for the formation of town insurance companies;"

And,

No. 187, A., entitled a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporte the city of Beaver Dam," approved March 18th, 1856;

Have had the same under consideration and instructed me to report the same back to the Senate, and recommend their passage.

M. W. SEELEY, *Ch'n.*

The committee on Agriculture and Manufactures, have had under consideration

No. 85, S.,

And report the same back with amendments, and recommend its passage when amended.

W. R. TAYLOR,
E. D. MASTERS.

The committee on Education, School and University Lands, to whom was referred

No. 75, A., a bill for an act for the relief of settlers on the 16th section, town 26, range 15, in Shawano county;

Have had the same under consideration, and directed me to report the same back, with the recommendation that it do pass.

Also

No. 148, S., a bill for an act to amend sec. 1, of chap. 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, in Grant county, to borrow money;"

Is reported back with the recommendation that it do pass.

HUTCHINSON, *Ch'n.*

The committee on Banks and Banking, to whom was referred

No. 1[illegible], S.,

Report the same back and recommend that it do not pass.

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The committee herewith beg leave to introduce "a bill for an act concerning bills of exchange and promissory notes," which embraces a portion of the provisions of the act above named.

D. WORTHINGTON, *Ch'n.*

The committee on Education, School and University Lands, have had under consideration

No. 260, A., a bill for an act to detach certain territory now included in school district of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county;"

Report the same back with recommendation that it pass.

HUTCHINSON, *Ch'n.*

The joint committee on Enrolled Bills report that on the 16th inst they presented to the Governor for his approval the following bills, to wit:

No. 205, A., a bill for an act to amend chapter 274, of the General and Special Statutes of 1850, entitled "an act granting to James B. Miller, the right to keep and maintain a ferry across the Wisconsin river at Dekora, in the county of Columbia;"

No. 134, S., a bill for an act to appropriate to the State Prison Commissioner the sum therein named.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 156, A., a bill for an act to amend sec. 16, of chap. 95, of the Revised Statutes, entitled "of excise;"

No. 235, A., a bill for an act to amend an act entitled, "an act to amend an act to incorporate the village of Omro;"

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the report of the committee of conference on

No. 7, S., an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment thereof.

I am also directed to inform you that the Assembly has refused to recede from its amendment to

No. 48, S., a bill for an act to amend an act entitled "an

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act to prevent the sale of unripe cranberries," approved March 17th, 1855.

I am further directed to present to you for signature,

No. 134, A., a bill for an act to appropriate to S. R. Fox the sum of $133 93;

No. 136, A., a bill for an act to appropriate to C. W. Bennett the sum of $68;

No. 145, A., a bill for an act to appropriate to Whitman, Wolf, Duff & Co., the sum of $322 20:

No. 206, A., a bill for an act to appropriate to Josiah Woodworth the sum of $16 50;

No. 207, A., a bill for an act to appropriate to Charles H. Luce the sum of $189 84;

No. 208, A., a bill for an act to appropriate to B. W. Suckow the sum of $91 65;

No. 215, A., a bill for an act to appropriate to William G. Everitt the sum of $157 51;

No. 244, A., a bill for an act to appropriate to A. Burnham, Jr., the sum of $18;

No. 245, A., a bill for an act to appropriate to John F. Lessey the sum of $39;

No. 246, A., a bill for an act to appropriate to George Paine the sum of $136 67;

No. 247, A., a bill for an act to appropriate to Wright & Paine the sum of $44 63;

No. 248, A., a bill for an act to appropriate to D. R. Clement the sum of $41;

No. 250, A., a bill for an act to appropriate to William J. Gill the sum of $30;

No. 265, A., a bill for an act to appropriate to A. P. Lipe the sum of $44;

No. 266, A., a bill for an act to appropriate to Edmund Gibbs the sum of $210 21;

No. 267, A., a bill for an act to appropriate to D. C. Poole the sum of $40 07;

No. 268, A., a bill for an act to appropriate to E. Martin the sum of $30;

And,

No. 134, S., an act to appropriate to the State Prison Commissioner the sum therein named.

Which have been signed by the Speaker.

ASSEMBLY MESSAGE CONSIDERED.

Said bill,

No. 156, A.,

Was read first and second times, and

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Referred to Judiciary committee.

Said bill

No. 235, A.,

Was read first and second times, and

Referred to committee on Incorporations.

Sen. Curtis asked that a committee of conference be appointed on bill,

No. 48, S., and

The Senate ordered that two be appointed on said committee on the part of the Senate.

The President appointed Senators Curtis and Eagan.

BILLS PASSED.

No. 70, S., a bill for an act relating to the publication of legal notices;

Was read the third time and passed.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150;

Senator Simpson moved to postpone the further consideration of the bill till Tuesday next,

Pending which

Senator Burdick moved to recommit the bill to the Judiciary committee;

Ruled out of order.

The question occurring on the motion to postpone till Tuesday next,

The motion prevailed.

No. 86, S., a bill for an act to authorize the Sauk City Bank to reduce its capital;

Recommitted to committee on Banks and Banking.

No. 14, A., a bill for an act to authorize persons having a lien upon land to pay the taxes upon the same;

Was recommitted to Judiciary committee.

No. 67, S., a bill for an act to repeal chap. 157, of the Revised Statutes, entitled "of actions against the State;"

Sen. Hotchkiss offered the following amendment:

"Amend sec. 1, by striking out the words, 'action or proceeding now pending in the supreme court,' and insert in lieu thereof the words, 'any claims which may now be held.'"

Sen. Virgin moved to postpone the further consideration of the bill and amendment till Wednesday next;

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And the motion prevailed.

No. 92, S., a bill for an act to repeal chapter 216, of the General Laws of 1859, entitled "an act to amend chapter 184, of the Revised Statutes, entitled 'of inquests of the dead;'"

Was indefinitely postponed.

No. 14, S., a bill for an act to repeal chap. 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller, and prescribing his duties;"

With amendments.

The amendments were adopted, and

The bill as amended was ordered to a third reading.

No. 20, A., a bill for an act to amend chap. 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices;"

With amendments.

The amendments were adopted, and

The bill as amended was ordered to a third reading.

No. 73, S., a bill for an act to amend an act entitled "an act to establish a municipal court in the city and county of Milwaukee," approved March 18th, 1859;

With an amendment.

The amendment was adopted, and

The bill as amended was ordered to a third reading.

No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door;

No. 89, S., a bill for an act for the relief of Nathan B. Langdon and others;

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business;

No. 87, S., a bill for an act to legalize the proceedings of the district board of school district No. 5, of the town of Platteville, Grant county;

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;

No. 91, S., a bill for an act to amend subdivision 3, of section 45, of chapter 23, of the Revised Statutes, entitled "of common schools;"

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

And

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No. 56, S., a bill for an act to authorize the Mechanics' Bank of Green Lake, to remove to Whitewater;

Were severally ordered to a third reading.

No. 60, S., a bill for an act to authorize the Citizens Bank, Oshkosh, to remove to Black River Falls, Jackson county;

And

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital;

Were on motion of Sen. Stewart,

Postponed till to-morrow.

Sen. Rodolf moved to take from the general file in order to put upon their passage the following bills:

Nos. 101, S., and 127, 117, and 149, A.,

Pending which,

On motion of Sen. Simpson,

The Senate went into

COMMITTEE OF THE WHOLE

On the general file,

Sen. Simpson in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 100, A., a bill for an act to amend chap. 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

With the recommendation that it do pass.

No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards;

With amendments, and recommend to pass when so amended.

On motion of Sen. Curtis,

The Senate adjourned.

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FRIDAY, FEBRUARY 17, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called, and quorum present.
Reading of the journal of yesterday, dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Davis:

No. 81, S., remonstrance of the citizens of Hudson, against the passage of a law authorizing the city of Hudson to issue bonds;

To Judiciary committee.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Davis:

No. 168, S., a bill for an act to repeal sections 1, 2, 3, 4, 5, 6 and 7, of chapter 79, of the Revised Statutes, entitled "of railroads;

To committee on Railroads.

By Senator Washburn:

No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad; also, chapter 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," approved, October 11th, 1856; also, chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad;"

To general file.

By Sen. Comstock:

No. 170, S., a bill for an act to amend section 33, of chapter 133, of the Revised Statutes, entitled "fees of jurors;"

To committee on the Judiciary.

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By Sen. Comstock :

No. 171, S., a bill for an act concerning the sale of real estate upon executions issued upon judgments at law, or in cases of foreclosure and sale of mortgaged premises ;

To committee on the Judiciary.

By Sen. Curtis :

No. 172, S., a bill for an act to incorporate the village of Mauston, in Juneau county ;

To committee on Incorporations.

By Sen. Seeley :

No. 173, S., a bill for an act to amend section 95, of chapter 18, and sections 57 and 127, of chapter 138, of the Revised Statutes, relating to the duties of county treasurers and clerks of the boards of supervisors ;

To committee on the Judiciary.

By Sen. Hutchinson :

No. 174, S., a bill for an act to amend chapter 174, of the Revised Statutes, relative to fugitives from justice ;

To committee on the Judiciary.

By Com. on State Affairs :

No. 175, S., a bill for an act relating to the State tax of the county of Door ;

To general file.

By Sen. Burdick :

No. 176, S., a bill for an act to appropriate to Josiah T. Farrar the sum of money therein named ;

To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington :

No. 48, S.,

Resolved, That when the Senate adjourn this day, it adjourn to meet to-morrow morning at 9 o'clock ; and that when the Senate adjourn to-morrow, it adjourn to meet on Monday afternoon at 3 o'clock ;

Adopted.

J. Res. No. 11, S.,

Resolved, by the Senate, the Assembly concurring, That the Legislature adjourn *sine die* on the 5th day of March next ;

Which was introduced yesterday and laid over,

Was taken up.

Sen. Curtis moved to lay the resolution on the table ;

The ayes and noes were called for, and

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The motion was lost—ayes 11, noes 13.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Seeley and Taylor—11.

Those who voted in the negative were

Senators Bartlett, Burdick, Ferguson, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Virgin, Washburn and Worthington—13.

Sen. Rodolf moved to reconsider the vote by which the Senate refused to lay the resolution on the table;

The ayes and noes were called for, and

The motion prevailed—ayes 15, noes 9.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hotchkiss, Phillips, Rodolf, Seeley, Stewart and Taylor—15.

Those who voted in the negative were

Senators Bartlett, Burdick, Ferguson, Hutchinson, Masters, Maxon, Virgin, Washburn and Worthington—9.

The question occurring on the motion to lay on the table;

Sen. Curtis withdrew the motion.

Sen. Maxon moved to amend by striking out "fifth" and insert "first;"

Pending which,

Sen. Phillips moved to postpone the further consideration of the resolution one week;

Lost.

Sen. Washburn moved a call of the previous question,

And the call was not sustained.

The question occurring on Sen. Maxon's amendment;

The ayes and noes were called for, and

The motion to amend prevailed—ayes 14, noes 9.

Those who voted in the affirmative were

Senators A. I. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hotchkiss, Masters, Maxon, Rodolf and Thurbur—14.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Burdick, Hutchinson, Phillips, Stewart, Virgin, Washburn and Worthington—9.

Sen. Simpson moved that the further consideration of the resolution be indefinitely postponed, and

The motion prevailed.

REPORTS OF COMMITTEES.

The committe on Finance, to whom was referred a resolution of the Senate, adopted on the 14th inst., instructing the said

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committee to inquire into and report without delay, the effect upon the finances and revenues of the State, of the passage of the several bills now pending in the Legislature, to permit sundry banks to reduce their capital stock,

Have had the same under consideration, and instruct me to report:

There are bills introduced at the present session to reduce the capital stock of twenty banks, which have been referred to the committee on that subject in this House, proposing, in the aggregate, a reduction of the capital stock of the twenty banks aforesaid, in the sum of $818,000. The tax upon the banking capital, as provided by law, being 1 1-2 per cent; the amount abstracted from the bank tax ef the State, would in the event of the passage of the bills already introduced, be $12,270. The total amount of banking capital in the organized banks of the State, as will be seen by the annual report of the Bank Comptroller, is $7,620,000, the total bank tax being $114,300-50; that the amount of money lost to the treasury from that source alone, already proposed, is nearly one-ninth of the amount derived from the whole banking capital heretofore. Whilst the Legislature is in duty bound to tax all the property of the State equally, and to do no injustice to any portion of her citizens, nor to exempt any class of property at the expense of another, it becomes her duty to scrutinize well the effect of that species of Legislation sought by the passage of these bills, before final action thereon.

It will be observed that for several years after the banking law went into operation in this State, the number of banks multiplied very fast, and that the capital stock in that business proved so profitable that in scarcely an instance was it deemed desirable on their part to reduce their original capital stock, until since the reverses in financial matters the last two or three years. During all that time the banks reaped an abundant harvest, of course, from their dealings with the other business classes, and the producers of the State. This, it is not denied was all fair and legitimate, and your committee finds no fault with them on account of that success. It is nevertheless believed, that one cause at least of that success, is that from the terms of the banking law, the capital engaged in that business has been subject to less taxes for the support of the government than other species of property chargeable with taxes. Most of the banks are located in cities and villages where all other species of property is chargeable with taxes to the amount of three, and frequenty five per cent. for the support of state, county, town, city, and school government, &c., whilst the banking associations are subject to only 1 1-2 per cent. tax, paya-

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ble to the State treasury, and that, in lieu of all other taxes whatsoever.

The Legislature, two years ago, submitted an act to the people for their ratification, granting to the Legislature the right, if they deemed proper, to *permit* the different banking associations to reduce their capital stock upon certain conditions.—This act was ratified, and consequently applications are made for that purpose. That act wisely left in the breast of the Legislature a discretion to grant such permission or to refuse it, as they should deem for the best interests of the State, and the citizens, and as should accord with equity. The only object the banks can have in reducing their capital stock, it is believed, is to reduce the amount of tax they are subjected to pay. That reduction would be just and proper if the property or the wealth of the corporation was truly represented by the amount of its capital stock. Most kinds of real and personal property is visible and readily found, and valued by the assessor, and subjected to a tax that cannot be avoided by any pretext or disguise. But some kinds of property is of that mixed nature, that no rule of assessment and valuation has been found which reaches the true value. Of this nature may be mentioned credits, notes, bonds and other evidences of debt. The Legislature has as yet been unable to find the true rule of action, for the assessment and valuation of this kind of property, but notwithstanding this uncertainty, it has undertaken to tax all the available credits in possession of its citizens. Almost the entire property of these banking associations, excepting the securities pledged for the redemption of their bills, consists of this class of property, and yet by the terms of the banking law, the bills discounted, notes, bills of exchange, currency, gold, silver, bonds, mortgages and all other evidences of debt, are exempt from taxation, except the 1 1-2 per cent. tax chargeable upon the capital stock. The amount of registered bills in circulation is no evidence of the amount of business done by a banking association. A bank may be as wealthy, and have as many resources, doing business with a capital stock of $50,000 as one doing business with a capital stock of $100,000. Consequently, there is no evidence from that fact, that their tax should be reduced, by a reduction of their capital.

If the several bills that are pending already should pass, the result is that over $12,000 will be saved to the banks, and have to be assessed and raised by tax for the support of the State Government from other property, and chiefly from the real estate of the farmers and producers of the State, whose property is *visible*, and cannot be hidden from the eye of the assessor, and which is subject to no exemption from taxation at any time and under any pretext whatever.

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It is deemed that on the score of public policy alone, the capital stock of many of the banks should not be reduced at this time. Upon examination of the Bank Comptrollers's last report, it will be found that some of the banks of the State, doing business in the more northern counties, and which banks have the heaviest capital, are non-residents of the State; these banks have been doing business for several years, most of the time a profitable business of course, and have, no doubt, accumulated wealth in the operations of the said banks. Now the the question is a serious one, whether it is the true policy of the State to permit the withdrawal of the capital stock, and consequently a remission of the taxes, at a time in our financial affairs, when taxation becomes the most burdensome. If we grant to non-residents the privilege of profiting out of our citizens, we should, when the balance of interest is reversed, hold them to the responsibility of the position they have voluntarily taken.

It is not believed that the wealth or resources of the banking associations applying for permission to reduce their capital stock, is any less now than a year ago, nor that any taxes will be realized from their effects on account of any change in the nature of those resources; but that if the favor is granted, the tax which has heretofore been deemed to be just, will be entirely lost, and recourse will have to be had to other property, as above indicated. And for these reason we are constrained to submit that it is unwise and unjust to the other tax-payers of the State to permit the banking associations of the State to reduce their capital stock, unless some more stringent provisions are inserted in the General Banking Law of the State, requiring the banks to make a complete inventory of all effects in their possession which would, if in other hands, be subject to taxation, and subjecting those effects to the same rules of assessment and taxation as the property of all other persons is subjected to.

It will be noticed that some of these banking associations, seeking the favor of having their capital stock reduced, to avoid paying taxes upon the whole of their capital, as heretofore, are doing business in violation of the banking law, neglecting or refusing to comply with the good and wholesome provisions thereof, to protect the holders of their bills, &c.; this will be readily seen from the communication of the Bank Comptroller, made to this body on the 10th inst., and found on page 185, of our journal.

J. W. STEWART, *Ch'n pro tem.*

The committee on Incorporations to whom was referred No. 153, A., entitled a bill for an act to amend sections 2

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and 3, of the Private and Local Laws of 1859, entitled "an act to incorporate the La Pointe Iron Company," approved March 8th, 1859;

And

No. 195, A., entitled a bill for an act to amend chap. 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

And

No. 235, A., entitled a bill for an act to amend an act, entitled "an act to amend an act to incorporate the village of Omro;"

And

No. 179, A., entitled a bill for an act to amend chap. 132, of the Private and Local Laws of 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Beaver Dam;'"

And

No. 125, S., entitled a bill for an act to amend an act entitled "an act to incorporate the city of Prescott;"

And

No. 99, S., entitled a bill for an act to incorporate the La Crosse Valley Seminary;

Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend their passage.

And

No. 70, A., entitled a bill for an act to amend chap. 73, of the Revised Statutes, entitled "of joint stock companies;"

Have had the same under consideration, and instructed me to report the same back to the Senate, with amendments, and when so amended, recommend its passage.

And

No. 151, S., entitled a bill to authorize the trustees of the Methodist Episcopal Church, in the village of East Troy, to mortgage or sell the property of said church;

Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

M. W. SEELEY, *Ch'n.*

The amendments to said bill
No. 70, A.,
Were adopted, and
The bill placed on the general file.
Said bill,
No. 151, S.,
Was indefinitely postponed.

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The committee on State Affairs, to whom was referred the petition of Solomon Berry and 119 others, relating to State taxes in Door county;

Have considered the same, and directed me to report by bill, the passage of which is recommended.

Also,

The memorial of B. F. Smith and others, praying for relief in consequence of the rise of water in lake Winnebago, by dams at Menasha and Neenah;

Have considered the same, and recommend no legislation upon the subject, and refer the petitioners to the judicial tribunals for redress of their alleged grievances.

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred

No. 138, S., "a bill for an act providing for the collection of the purchase money due the State upon the sales of school, university and swamp lands;"

Have had the same under consideration, and directed me to report the same back, with recommendation that it be indefinitely postponed.

HUTCHINSON, *Ch'n.*

The question occurring on the recommendation of indefinite postponement,

The Senate refused to so postpone;

And the bill was placed in the general file.

The committee on Enrolled Bills report that they have examined

Bill No. 1, S., entitled an act to appropriate to Alexander W. Randall, Governor of the State of Wisconsin, the sum of $10,000, as a contingent fund, for the year A. D. 1860;

And find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that, on the 17th inst., they presented to the Governor for his approval, the following bills, to wit:

No 134, A., a bill for an act to appropriate to S. R. Fox the sum of $133 93;

No. 136, A., a bill for an act to appropriate to C. W. Bennett the sum of $65;

No. 207, A., a bill for an act to appropriate to Charles H. Luce the sum of $189 84;

No. 208, A., a bill for an act to appropriate to B. W. Suckow the sum of $91 65;

No. 215, A., a bill for an act to appropriate Wm. G. Everit the sum of $157 50;

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No. 245, A., a bill for an act to appropriate to John F. Lessey the sum of $39;

No. 246, A., a bill for an act to appropriate to George Paine the sum of $136 67;

No. 247, A., a bill for an act to appropriate Wright & Paine the sum of $44 63;

No. 248, A., a bill for an act to appropriate to D. R. Clements the sum of $41;

No. 250, A., a bill for an act to appropriate to Wm. J. Gill the sum of $30;

The committee on Engrossed Bill have examined and compared the following bills, and find the same correctly engrossed, viz:

No. 73, S., a bill for an act to amend an act, entitled "an act to establish a municipal court in the city and county of Milwaukee," approved 18th March, 1859;

No. 91, S., a bill for an act to amend subdivision 3, section 45, chapter 23, of the Revised Statutes, entitled "of common schools."

C. COMSTOCK, *Ch'n.*

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
MADISON, February, 1860.

To the Senate:

The following entitled bills, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

No. 79, an act to appropriate to W. P. Towers the sum of $496 02;

No. 104, an act to prescribe the time for holding the terms of the circuit court in LaFayette county, in the Fifth Judicial Circuit;

No. 112, an act to authorize the Shawanaw Bank to reduce its capital;

No. 35, an act to amend chapter 191, of the Session Laws of 1859, entitled "an act to divide the county of Polk, and to erect the county of Dallas;"

No. 43, an act to appropriate to Hiram Bowen $50;

No. 80, an act to authorize the Wisconsin Bank of Madison, to reduce its capital;

No. 111, an act to authorize the Forrest City Bank to reduce its capital;

No. 37, an act to amend section 10, of chapter 52, of the laws of 1859, entitled "an act relating to the Dane county court;"

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No. 41, an act to amend chapter 71, of the Private and Local Laws of 1856, entitled "an act granting to William Millard the right to keep and maintain a ferry across the Wisconsin river, in the towns of Prairie du Sac, Sauk county, and Black Earth, Dane county;

No. 45, an act to amend section 80, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 25, an act to repeal chapter 114, of General Laws of 1859, conferring civil jurisdiction upon the county court of Crawford county;

No. 82, an act to authorize the Tradesmans' Bank to reduce its capital stock;

No. 83, an act to authorize the Bank of Oconto to reduce its capital stock;

No. 1, memorial to the Congress of the United States in relation to the affairs of Indian tribes within the State of Wisconsin;

No. 134, an act to appropriate to the State Prison commissioners the sum therein named.

ALEX. W. RANDALL.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 49, A., a bill for an act concerning mortgages to the State on school lands in the city of Racine;

No. 138, A., a bill for an act to restore William Greeno to citizenship;

No. 180, A., a bill for an act to amend sec. 1, of chap. 178, of the General Laws of 1859, entitled "an act establishing the fees for the publication of forfeited lands;"

No. 192, A., a bill for an act to amend chapter 95, of the General Laws of 1859, entitled "an act conferring jurisdiction on the county court of Bad Ax county;"

No. 200, A., a bill for an act to repeal an act entitled "an act to amend chap. 59, of the Local Laws of 1855, entitled 'an act to incorporate the Beloit Gas Light and Coke Co.;'"

No. 210, A., a bill for an act prescribing the mode of sales in judgments or orders of court, in certain cases;

And

No. 234, A., a bill for an act in relation to costs on appeals from the board of supervisors;

And asks the concurrence of the Senate in the same.

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I am further directed to inform you that the Assembly has concurred in the passage of

No. 68, S., a bill for an act to amend chap. 97, of the Laws of 1859, being the charter of Carroll College.

No. 72, S., a bill for an act to appropriate to Alexander W. Randall, Governor of the State of Wisconsin, as a contingent fund for A. D. 1860, the sum of $10,000.

I am also directed to inform you that the Assembly has passed, and asks the concurrence of the Senate in

No. 310, A., a bill for an act amendatory of, and supplemental to an act entitled "an act to provide for the re-assessment of certain taxes in the city of Racine for the years 1856 to 1859, inclusive," approved February 10th, 1860.

ASSEMBLY MESSAGES CONSIDERED.

The following bills were severally read first and second times, and were referred as follows:

No. 138, A.,
To committee on Education, School and University Lands.
Nos. 138, 192, 210, and 234, A.,
To Judiciary committee.
No. 180, A.,
To committee on Printing.
No. 200, A.,
To committee on Incorporations.
No. 310, A.,
To committee on Finance.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature

No. 72, S., a bill for an act to appropriate to Alexander W. Randall, Governor of the State of Wisconsin, the sum of $10,000, as a contingent fund for the year A. D. 1860;

Which has been signed by the Speaker.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands

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in the counties of Calumet, Brown, Oconto, Kewaunee and Door ;"

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices ;"

On the passage of

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie ;

The ayes and noes being required,

The passage was concurred in by the following vote—ayes 20, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Virgin, Washburn and Worthington—20.

Those who voted in the negative were

Senators Stewart and Thurbur—2.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed :

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe ;

No. 73, S., a bill for an act to amend an act entitled "an act to establish a municipal court in the city and county of Milwaukee," approved March 8th, 1859 ;

No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door ;

No. 91, S., a bill for an act to amend subdivision 3, of section 45, of chapter 23, of the Revised Statutes, entitled "of common schools ;"

No. 56, S., a bill for an act to authorize the Mechanics' Bank of Green Lake, to remove to Whitewater.

BILLS REPORTED BY COMMITTEE OF WHOLE,

Considered.

No. 100, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

Was ordered to a third reading.

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No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards;

With amendments.

The amendments were adopted, and

The bill as amended was ordered to a third reading.

SPECIAL ORDERS.

No. 60, S., a bill for an act to authorize the Citizens Bank, Oshkosh, to remove to Black River Falls, Jackson county;

Which was laid over till to-day,

Was taken up.

Senator Stewart moved to indefinitely postpone the bill;

Withdrrwn, and

The bill was ordered engrossed for a third reading.

J. Res. No. 5, S.,

Joint resolution proposing to amend section 8, of article 1, of the Constitution;

Which on Wednesday last was postponed till to-day,

Was taken up.

And the ayes and noes being required,

The resolution was passed—ayes 18, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Taylor, Washburn and Worthington—18.

Those who voted in the negative were

Senators Ferguson, Fratt, Maxon, Rodolf, Simpson, Stewart, Thurbur and Virgin—8.

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital;

Which was yesterday postponed till to-day,

Was taken up.

Senator Stewart moved that the further consideration of the bill be indefinitely postponed;

Sen. A. I. Bennett moved to lay the bill on the table;

Lost.

The question occurring on the indefinite postponement of the bill,

The ayes and noes were called for, and

The motion was lost—ayes 5, noes 18.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Cox, Ferguson, and Stewart—5.

Those who voted in the negative were,

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Senators Bartlett, Burdick, Comstock, Curtis, Davis, Decker, Eagan, Fratt, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Virgin, Washburn and Worthington —18.

The question occurirng on ordering the bill to its third reading.

The Senate ordered it engrossed for a third reading.

Sen. Masters asked leave of absence till next Tuesday afternoon;

Granted.

Sen. Curtis asked leave of absence till Monday next;

Granted.

On motion of Sen. Hotchkiss,

Senate adjourned till nine o'clock to-morrow morning.

SATURDAY, FEBRUARY 18, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Read first and second times and referred.

By Sen. Seeley:

No. 82, S., petition of C. D. Warring and others, of the city of Berlin, praying for the division of the 1st ward in said city, and the creation of a fifth ward;

To Judiciary committee.

By Sen. Thurbur:

No. 83, S., petition of J. D. Markham and 45 other citizens of Manitowoc, in relation to insurance companies;

To committee on Incorporations.

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By Sen. Thurbur :

No. 84, S., petition of J. D. Markham and 42 other citizens of the village of Manitowoc, in relation to interest moneys on school and swamp land ;

Committee on Education, School and University Lands.

BILLS INTRODUCED ON LEAVE,

Presented and referred.

By Sen. Taylor :

No. 177, S., a bill for an act to establish a highway therein named ;

To committee on Roads, Bridges and Ferries.

By Sen. Stewart :

No. 178, S., a bill for an act to amend an act entitled an act to amend chapter 299, of the Private and Local Laws for the year 1855, entitled an act to incorporate the Sugar River Valley Railroad Company ;

To committee Railroads.

By Sen. Taylor :

No. 179, S., a bill for an act to reduce the capital stock of the Clark county bank ;

To committee on Banks and Banking.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Hotchkiss :

No. 49, S.,

Resolved, That the committee on Finance be instructed to take into consideration the subject of the last State equalization, the manner in which the action of the State Board of Equalization was certified to the several counties in the State, and report to the Senate what action, if any, is necessary, by bill or otherwise ;

Adopted.

REPORTS OF COMMITTEES.

The committee on Roads, Bridges and Ferries, to whom was referred

No. 1 6, A., entitled a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Shawano county;

Have had the same under consideration, and instructed me to report the same back, with the recommendation that said bill be referred to the committee on Public Lands, with instructions

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that said committee prepare and report a bill providing for a general law for the disposal of the Drainage fund monies, for the reclamation of swamp and overflowed lands in this State

P. B. SIMPSON, *Ch'n.*

The question occurring on the recommendation of the committee;

The said bill was referred to committee on Public Lands ;

The committee on Claims to whom was referred bill

No. 176, S., a bill to appropriate to Josiah T. Farrar the sum of $3, for publishing chapter 17, General Laws 1860;

Have had the same under consideration, and report the same back with the recommendation that it do pass.

Z. P. BURDICK, *Ch'n.*

The committee on Engrossed Bills have examined and compared the following bills, and find the same correctly engrossed :

No. 51, S., a bill for an act providing for the enclosing of railroads, by fences and cattle guards;

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital, and remove its place of business;

No. 87, S., a bill for an act to legalize the proceedings of the district board of school district No. 5, of the town of Plattville, Grant county;

No. 14, S., a bill for an act to prescribe the duties of the Secretary of State, in certain cases, and to repeal chapter 155, of the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller, and prescribing his duties ;"

No. 89, S., a bill for an act for relief of Nathan B. Langdon and others.

C. COMSTOCK, *Ch'n.*

The committee on Finance, to which was referred bill

No. 310, A., a bill for an act to provide for the re assessment of certain taxes in the city of Racine, for the years 1856 to 1859 inclusive, approved February 10th, 1860;

Respectfully report the same back, and recommend its passage.

CHAS. G. RODOLF, *Ch'n. pro tem.*

On motion of Sen. Rodolf,

The rules were suspended in order to pass bill

No. 310, A.,

And the motion prevailed.

The bill was then ordered to a third reading, and was read.

The ayes and noes being required,

The bill was passd--ayes 19, noes none.

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Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Decker, Eagan, Ferguson, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Thurbur and Worthington—19.

The committee on Enrolled Bills, report that they have examined bill

No. 7, S., entitled a bill for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment therefor;

And find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*

The committee on Incorporations to whom was referred

No. 162, S., entitled a bill for an act to incorporate the Northwestern Scientific Association;

And

No. 163, S., entitled a bill for an act to amend chap. 252, of the Local Laws of 1858, entitled "an act to amend an act to incorporate the city of La Crosse," approved March 14, 1856;

Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend their passage. M. W. SEELEY, *Ch'n.*

Sen. Hutchinson moved to suspend the rules in order to pass said bills

Nos. 162, and 163, S.,

And the motion prevailed.

Said bills were then ordered to a third reading;

Were read, and said bill

No. 162, S.,

Was passed, and the title agreed to.

The ayes and noes being required on the passage of said bill

No. 163, S.,

The bill was passed—ayes 20, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Ferguson, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Simpson, Stuart, Taylor, Thurbur and Worthington—20.

None voted in the negative.

The joint committee on Enrolled Bills, report that on the 17th inst., they presented to the Governor, for his approval,

No. 72, S., entitled an act to appropriate to Alexander W. Randall, Governor of the State of Wisconsin, the sum of $10,000, as a contingent fund for the years A. D. 1860.

GEO. BENNETT, *of Senate Com.*

C. MILLER, *of Assembly Com.*

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Assistant Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

No. 78, S., a bill for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door.

I am further directed to inform you that the Assembly has passed and asks the concurrence of the Senate in the passage of

No. 309, A., a bill for an act to appropriate to Amasa Cobb the sum of $66 88.

No. 276, A., a bill for an act to appropriate to S. B. Scott, assignee of Berliner & Bruno the sum of $650.

No. 299, A., a bill for an act to appropriate to Andrew Bishop the sum of $52.

No. 300, A., a bill for an act to appropriate to Geo. Theis the sum of $73 75.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534 56;

No. 102, S., a bill for an act to appropriate to Hudson Fox the sum of $125;

No. 108, S., a bill for an act to appropriate to John D. Welch the sum of $40 50;

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co., the sum of $235 38;

No. 141, S., a bill for an act to appropriate to Alexander McDowell the sum of $24 90;

And

No. 154, S., a bill for an act to appropriate to Simon Sekles the sum of $66;

And has passed

No. 177, A., a bill for an act to amend section 3, of chapter 116, of the Revised Statutes, entitled "of circuit courts;"

No. 222, A., a bill for an act to provide for the inspection of plank, gravel and turnpike roads, constructed by companies incorporated by special acts of the Legislature;

No. 241, A., a bill for an act to amend chapter 210, of the Private and Local Laws of 1859, entitled "an act to incorporate the Boscobel and Manhattan Bridge Company;"

No. 261, A., a bill for an act to amend chapter 127, of the General Laws of 1859, entitled "an act to require the circuit

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judge of the Third Judicial Circuit to hold special terms of the circuit court."

No. 282, A., a bill for an act to amend chapter 409, of the Private Laws of Wisconsin for the year 1856, entitled "an act to incorporate the Ripon and Wolf River Railroad;"

No. 284, A., a bill for an act to establish the name of Ellie Metcalf;

No. 288, A., a bill for an act to amend section 25, of chapter 121, of the Revised Statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therin;"

No. 289, A., a bill for an act to amend chapter 97, of the Private and Local Laws of 1859, entitled "an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof;"

No. 297, A., a bill for an act to legalize the sale of land for unpaid taxes in the county of Trempeleau;

No. 229, A., a bill for an act to incorporate the village of Fort Atkinson;

And,

M. C No. 3, A., memorial to the Postmaster General of the United States for re-instatement of weekly mail service on mail route 13,088, from Bayfield, in La Pointe county, to Chippewa Falls, in the county of Chippewa.

In which the concurrence of the Senate is requested.

Senator Maxon moved a suspension of the rules in order to pass bills

Nos. 184 and 117, A., and 116 and 101, S.,

And,

M. C. No. 2, S.,

And the motion prevailed.

Nos. 101, S. and 184, A.,

And,

M. C. No. 2, S.,

Were ordered to a third reading;

Read, passed and title agreed to.

Senator Thurbur moved to recommit to the Judiciary committee, said bill

No. 117, A.,

And the motion prevailed.

Senator Seeley moved to recommit to the committee on Agriculture, bill

No. 116, S.;

Withdrawn.

Senator Davis moved to amend the bill by inserting in the second line, after the word "cash," the following: "and have disbursed the same for premiums."

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The amendment was made by unanimous consent.

Senator Seeley asked unanimous to amend the bill by striking out the words "or manner;"

Objection was made.

Senator Davis moved to recommit the bill to the committee on Agriculture.

The ayes and noes were called for, and

The motion prevailed—ayes 10, noes 9.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Comstock, Davis, Hutchinson, Phillips, Seeley, Stewart, Taylor and Worthington—10.

Those who voted in the negative were

Senators A. I. Bennett, Cox, Decker, Eagan, Ferguson, Hotchkiss, Maxon, Rodolf and Thurbur—9.

On motion of Senator Hutchinson,

Senate adjourned till 3 o'clock on Monday afternoon.

MONDAY, FEBRUARY 20, 3 o'clock, P. M.

Senate met.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Eggleston.

Roll called, and quorum present.

Reading of the journal of Saturday, dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Senator Virgin:

No. 85, S., petition of James Jones and 571 others, praying for a division of Grant county in such manner as is set forth in the within petition;

To committee on Town and County Organization.

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By Senator Cox:

No. 86, S., petitions from the inhabitants of Pierce county for an act enabling them to vote on the question of removing the county seat;

To committee on Town and County Organization.

By Senator Cox:

No. 87, S., communication in relation to issuing bonds by the city of Hudson; also, in relation to attaching certain territory to the town of Hudson;

To Judiciary committee.

By Senator Cox:

No. 88, S., remonstrance of inhabitants of the city of Hudson in relation to collection of taxes;

To Judiciary committee:

By Sen. Hotchkiss:

OFFICE OF DAILY PATRIOT,
MADISON, February 20th, 1860.

Hon. H. W. Curtis, Ch'n of Joint Committee on Printing:

DEAR SIR:—The propositions we have submitted to your committee, and others, relative to an amicable settlement of the printing controversy, have been subject to such different renditions and interpretations, and retailed in so many different ways, by various persons, all of which versions vary so materially, that in order to show the Legislature exactly what we do propose, and to place the proposition and attendant facts in such a shape, as to admit of but one interpretation—and that all may understand what it is, we yield to the solicitation of several members, and herewith present to you, with the request that you will communicate the same to the Legislature, the proposition on which we are willing to settle the whole matter in controversy; with the distinct understanding, that we do not in any sense intend to waive any of our legal rights in the premises, except the proposition be accepted, or something else that shall be satisfactory to all parties.

As the most fabulous statements have been indulged in respecting sums claimed under our construction of the contract, as well as the actual cost of doing the whole work, we will, before stating our proposition, submit a few facts—all the facts—respecting the whole amount paid and claimed, as well as the cost to us, as near as may be, of the entire work for the year 1859, for which we have exhibited tabular statements to your committee.

There are but five items, aside from a few blanks bound in a style unknown to the contract, yet remaining to be adjusted for

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the year 1859 proper. The following, in tabular form, will show what those items would cost under our construction of the contract, and what they would cost under our proposition, and the difference between the two, and the whole amount audited and paid, as applicable to the year 1859. And we consider it unnecessary to offer in this connection any argument to sustain our claim to the construction (that having been given to your committee, both verbally and in writing, by able counsel)—our only object being in this, to show the whole extent of the claim for printing, blanks, blank books, paper, materials, advertising and binding, for the year 1859. See tabular statement below :

Items of Work.	Whole am't under legal construction of contract.	Whole cost under our prop'sit'n	Difference in cost.
Total pamphlet work in 3d class,.....	$110,482 00	$80,707 89	$80,774 11
Adv'ing 9,620 fols. 13 weeks at $4 20,..	40,404 00	.....	.....
do 9,620 fols. one extra week, 60c,	5,772 00	10,000 00	36,176 00
	$46,176 00		
Amount paid on work for 1859,.....	18,000 00	18,000 00	.....
Amount audited and not paid for 1859,..	21,000 00	10,000 00	11,000 00
Claimed on Blanks for 1859, half binding,.....	6,000 00	6,000 00	.....
Am't agreed upon for ex. qual. of paper,	1,625 00	1,625 00	.....
	$203,283 00	$76,332 89	127,950 11

The above includes printing, advertising, binding, &c.. &c., every thing of which we have any knowledge, as having been done for the year 1859, proper.

We have given your committee the specific items in tabular form, taken from the official records of the State, showing what has been paid for all the items that are now under the present contract, during the existence of the late contract, and we herewith give the footings of those tables for a comparison with the above :

Total amount for 3-4 of 1857,.....	$151,098 70
Total amount for 5-4 of 1858,.....	271,544 72
Total for two years,.....	$422,643 42

Not one of the items embraced in the first sum at the head of the above table, require to be printed in 1860, and hence that sum will be excluded from the expense under our proposition for this year—while under our proposition, the advertising of the forfeited lists cannot exceed $2,000 for 1860, so that in estimating the work for 1860, we have to deduct $38,707 89,

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which, if all other things be equal, will make the expense for the two years within $150,000, allowing considerable for margin; and over $272,643 42 less, than for the same work and material the two years previous.

The actual cost to us, as near as it can be ascertained, as per the vouchers exhibited to your committee, has been, in round numbers $80,000, leaving us to fall back for deficit for 1859, and profits on the whole, on the profits of the work thrown up by the late contractors, belonging to the previous contract. Thus, any one can see at a glance, that we shall not receive, if our proposition be accepted, anything above the actual cost, to sufficiently compensate any man for the personal services we have rendered in the matter, and which are not included in the sum as cost above, and the capital necessarily invested, but we would prefer to settle the whole controversy on a *certainty*, which is worth more to us now than a dozen uncertainties, and besides we should be little, if any, better off, even though in the end we should win the whole under our construction, as the excess would be exhausted in counsel fees and heavy advances we should be compelled to promise in order to negociate a sum sufficient to enable us to go on with the work, and at the same time prosecute the controversy to a finality. Thus, while an eventual success would leave us little, if any better off, the State would be compelled to pay some $275,000 more than under our proposition, which we now proceed to state in outline, as follows:

1st. Instead of counting the pamphlet work in the third class at $6 per quire, under the contract, put the same in the first class at 73 cents per quire.

2nd. Count all blanks according to the order made—if ten to the sheet, twenty-four of those sheets to count a quire.

3d. To adjust the advertising for 1859, of the forfeited school, swamp and university lands, at $10,000 in full, instead of $46,000, which it actually counts under the contract, and hereafter to receive the price fixed for other papers for the same advertising.

4th. To count all jobs not provided for in the contract, if any, on the *quantum meruit* scale.

5th. We to draw from the treasury only $5,000 between this time and the 1st of February next, provided the State will allow us seven per cent. interest on all other sums from the time they are audited till paid.

6th. All paper in the first class not required by the bid, and specimens as book paper to be counted at the price set opposite the other kind of paper in the first class, cap size.

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7th. The whole to be embodied in a bill and clearly defined, and the assent of the assignee given thereto.

8th. All blanks ordered half bound, or bound in any style unknown to the contract, to be allowed as blanks per quire, of the size furnished.

Now, we wish it distinctly understood that we do not *ask* the Legislature to do anything in the premises,—we do not *ask* any construction from any source, other than the law points out. We do not come in the attitude of asking, or begging, anything—but as free and independent citizens, we have a right to demand all we may legally claim. Therefore, our only reason for submitting the above proposition, is to acquaint the Legislature of what we are willing to do under such contingencies of settlement as we have suggested. In other words, our proposition is for the information as well as consideration of the Legislature and the people. We desire to show, that which is true, that we never intended to take any undue advantage of the State. The bid was made upon the understanding which the bidder had at the time, of the law and the facts. He knew that the blanks and blank books in the third class would not pay him first cost by thousands; and he intended really that the item of paper, in the first class, would, with such driblets as might be here and there picked up on the advertising and blanks, pay for all the State work. The construction sought to be put upon the contract, by those opposed to us, would not allow over $3,000 for the entire work; while the construction put upon it by the best legal talent of the State, under the proposition above, would not, in any event, pay such a sum, over and above first cost, as any gentleman would be willing to take for the labor, risk and deterioration of material necessarily used.

So far as the pamphlet work, in the third class, is concerned, the bidder of course, and the commissioners, could, at the time, know positively but little about it. The bid was made so as cover it all, whatever it might be, and it does cover it, and of course the rates are very high—the amount of work has been so great in that class, that the aggregate is very large, as will be seen by the table above; but large as it is, and positive as are the terms of the contract, we wish it distinctly understood that it is not, and never has been, our intention to take undue advantage of it. It is a matter over which we have had no control—only to do the work, as required by law; and it is for the purpose of showing our disposition in the matter that the above proposition is made. The Legislature has it all its own way, so far as the accepting of this proposition is concerned, and can do as its wisdom may suggest. *We* are *asking* no-

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thing in the way of compromiting—we are only suggesting that which will not injure us, and will no doubt be of great advantage to the State. Of this, however, the Legislature must be the judge, and take whatever responsibility it may think proper.

Our claim is either right or wrong, and the most we can, or do *ask*, is, in case our proposition is unnoticed, to be allowed the same proud privilege that every other citizen enjoys under the laws of his country—to have our rights determined by that law which all good citizens are bound to respect and obey. If fortuitous circumstances drive us to the courts for redress—with the additional load of counsel fees, and heavy bonus for the necessary funds to carry us through, then, and then only, shall we feel justified in claiming and receiving all that an adjudicated construction of our contract will allow—be that much, little or nothing. If we really have been foolish enough to engage in a contract that by its "plain and literal" terms will yield us nothing, when adjudicated by our laws—then let us take the consequences. If the advice of the best lawyers in the State, given before and after the consummation of the contract, is really of no account, and it turns out we have, after all, no legal claim, then let us be the sufferers—we shall bear the result, be it what it may, without a murmur. We are quite certain we shall never go from the portals of the court to the Legislature, with "a bill for relief," &c. So that if the Legislature, after a full investigation of the law and the facts, shall come to the conclusion that our claim has no foundation in law, then, we say, dismiss the whole subject—send us to the proper tribunal, and if we fail there, we never shall ask an appropriation of either sympathy or money.

If, as those who oppose our claim say, we have no legal claim beyond their construction, they could have nothing to lose by allowing us to try our claim by the rules of law in the courts; but their efforts to prevent us from resorting to such a tribunal does not go far to sustain the basis of their construction. Let come what will, it cannot hereafter be said that we have been wanting in a fair disposition to do the "fair thing."

All we ask is fairness and honor, nor do we believe the Legislature will refuse the one or ignore the other.

All of which is respectfully submitted.

CARPENTER & HYER.

B.

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BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Cox:

No. 180, S., a bill for an act to amend an act entitled "an act to annex certain territory to the town of Hudson;"

To Judiciary committee.

By Sen. Hutchinson:

No. 181, S., a bill for an act to amend chapter 22, of the Revised Statutes, entitled "of academies and normal schools;"

To committee on Education, School and University Lands.

By Sen. Hutchinson:

No. 182, S., a bill for an act concerning practice and appeals;

To committee on the Judiciary.

By Sen. Hutchinson:

No. 183, S., a bill for an act to promote the construction of horse railways in the city of LaCrosse;

To committee on Railroads.

By Sen. Cox:

No. 184, S., a bill for an act providing for the removal of the county seat of Pierce county;

To committee on Town and County Organization.

By Sen. Phillips:

No. 185, S., a bill for an act to authorize the formation of railroad corporations, and to regulate the same;

To committee on Railroads.

RESOLUTIONS INTRODUCED AND CONSIDERED,

By committee on Benevolent Institutions:

J. Res. No. 13, S.,

Resolved, by the Senate, the Assembly concurring, That in the opinion of this Legislature it would be too expensive and is therefore inexpedient to open the hospital for the insane for the admission of patients until a much larger amount of room can be provided for the accommodation of the insane than has been provided in the present building, as now in process of construction.

Resolved, further, That with a view to carrying into effect the object of the above resolution, the commissioners and trustees of said hospital are hereby instructed to cause all work and expenditure upon said building and fixtures to be immedi-

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ately suspended, and that they retain the whole matter in such suspension till otherwise ordered by the Legislature;

On motion of Sen. A. I. Bennett,

The further consideration of the resolution was postponed till Friday next.

By Senator Geo. Bennett:

Res. No. 51, S.,

Resolved, That 2,000 copies of the report of the committee on Benevolent Institutions, relating to the State Hospital for the Insane, just read, be ordered printed for the use of the Legislature;

Adopted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature

No. 7, S., an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State and to provide for the payment therefor;

Which has been signed by the Speaker.

I am also directed to inform you that the Assembly has concurred in the Senate amendment to

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act relative to the publication of legal notices;"

And has concurred in the passage of,

No. 101, S., a bill for an act to amend chapter 263, of the Private and Local Laws of 1857, entitled "an act to incorporate the Muscoda and Richland Bridge Company."

REPORTS OF COMMITTEES.

The committee on the Judiciary, to whom was referred

No. 117, A., entitled "an act concerning the terms of court in the Fourth Judicial Circuit;"

Have had the same under consideration, and report the same back to the Senate with an amendment, and recommend the passage of said bill when so amended.

P. B. SIMPSON, *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred

No. 119, A., entitled "an act to authorize John O. Trum-

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bull to keep and maintain a ferry across Lake Pepin, in the county of Pierce ;"

Have had the same under consideration, and report the bill back with an amendment, and recommend its passage.

P. B. SIMPSON, *Ch'n.*

The committee on Public Lands, to whom was referred

Bill No. 158, entitled "an act relating to school, university, swamp and overflowed lands belonging to the State;"

Have had the same under consideration, and report the same back, and recommend the passage thereof.

J. W. STEWART, *Ch'n.*

The Railroad committee, to whom was referred

Bill No. 62, S. ;

Recommend that the same may be withdrawn by the Senator introducing it.

E. L. PHILLIPS, *Ch'n.*

The committee on Benevolent Institutions, to whom was referred the following resolution ;

Resolved, That the committee on Benevolent Institutions are hereby instructed to inquire and report to the Senate at an early day, what amount of money has been expended on the State Hospital for the Insane—how such money has been expended—the present condition of the establishment—the amount of money necessary to its completion—the time when it may be ready for occupation—what number of patients it can accommodate when completed—whether the plan adopted and pursued is in accordance with the organic law—and, if not, by what authority the law has been departed from—and any such facts relating to said institution or its management, as may be important to the Legislature ;"

Have had the subject under consideration, and respectfully submit the following report :

Your committee trust that it will not be expected of them, to enter minutely into the vast amount of labor which has been mapped out by said resolution, as the various and important topics therein embraced, would lead to an amount of investigation and research, which could not be performed by a committee of this body while in the daily exercise of their appropriate duties as members of the Senate. But believing that the object sought to be obtained by the passage of the resolution was to obtain such general information in reference to the Hospital for the Insane, as might tend to aid the Legislature in its action upon that subject, we have endeavored in such manner, and to such extent, as our time has permitted, to respond to the requisition which has been made upon us.

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In performing this duty, we have taken facts as we found them in the published reports which have been laid before us, aided by such other facts as have come within the range of our observation; and without stopping to inquire as to who may be affected by such a course, we present the result for the consideration of the Senate. As to what amount of money has been expended on the said institution, we find, by the General Laws of 1857, that $35,000 was then appropriated for that purpose; and by the General Laws of 1858, the sum of $18,000 was appropriated for the same purpose; and by the General Laws of 1859, that the further sum of $55,210 was appropriated for the same purpose; making an aggregate heretofore appropriated for building, machinery, &c., of $108,210, exclusive of the sum of $8,000, appropriated at the last session, for fencing and improving grounds, and purchase of furniture and materials for furnishing the building.

The commissioners state in their report for 1859, that the amount required to complete the building now in process of construction, and to meet the liabilities already incurred upon such building and fixtures, will be $40,839 80, making an aggregate cost of the building and appurtenances, now in process of construction, of $149,049 80. And as the trustees inform us, in their report for 1859, that the additional and further sum of $210,000 will be required for "the entire completion of the plan which has been commenced," it will be seen that the cost of what is termed the "entire plan which has been commenced" will be $359,049 80, according to the estimate of the trustees, as set forth in said report. We cannot regard such a proposed outlay as anticipated by the Legislature or the people of the State; and it took your committee, as it no doubt did other Senators, greatly by surprise, when they thus learned that the present building was looking to an expenditure of such a magnitude, as necessary to complete its "plan." And having previously looked into the commissioners' reports for years 1857 and 1858, we were equally surprised on learning the interesting fact, that, when this huge and magnificent pile of buildings shall have been all completed, at an expenditure so enormously large, we shall then have provided accommodation for only two hundred and fifty patients; while the impressions derived from the report of 1858, were still fresh in our memories, that an expenditure of but little more than one-third that sum, was to furnish accommodation for the reception and treatment of two hundred patients. And when it is considered that the amount said to be necesary to complete such "entire plan which has been commenced," is but a mere estimate, which our experience proves will be likely to fall far below the amount which

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will be actually required, it would seem that we should stop and ponder, as to whither we are tending; and that we should propound to ourselves the important inquiry, whether the benefits resulting to the insane from such exhorbitant outlays may be sufficient to warrant the Legislature in authorizing or permitting such outlays to be made with a view to carrying forward that gigantic scheme, indicated in the report of the trustees above alluded to.

It will be seen that the "whole plan," as it was termed in the report of 1858, consisted of a "central building, with two wings on each side," and as such *whole plan* was to cost, when completed, including the necessary out-buildings, and all machinery and apparatus, necessary to put it in running order, the sum of $129,859, it would seem that great confusion must have existed in reference to the real plan of such institution; for from one source of authority, we learn that the real plan was set forth in the report above alluded to; while from another source of *apparent* authority, we learn that such would be but a "portion of an extended plan," and it would seem to us, that the large mansion called the "central building," must have been provided with reference to the "extended plan," to which it appears to be large enough to bear its full proportion. As to "how the money has been expended," we take pleasure in saying that we have met with nothing which indicates that any portion has been corruptly or dishonestly used; but while we cheerfully make this statement, we feel that many of the outlays have been too extravagant in their character, to correspond with that economy designed by the Legislature, or demanded by the ability of the people to pay. We regret, not only for the sake of the tax payers of the State, but for the sake of the commissioners themselves, that condition of things which leads us to such a conclusion.

Economy, strict and rigid as is consistent with durability, should be the governing principle in constructing all our institutions; and yet we are sorry to say, that it is the principle which too frequently seems to have been kept out of view. But let the past suffice in this respect, is the best recommendation we have to make.

It appears that a contract was entered into with Nelson McNeal, in 1857, to complete the building now in process of construction, for the sum of $73,500; and that the further sum of $5,019 24, has been allowed to said contractor for extra work, making an aggregate of what he should have received on the completion of his contract, of $78,519 34; and it further appears that after having received the sum of $75,461 08, he abandoned said contract, leaving such an amount of work yet

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to be done, as to cost the State $22,515 18 more than such work would have cost, had it been performed according to the terms of the contract.

It is to be regretted that the contractor was enabled to get so large an amount beyond what he was entitled to receive, in proportion to the work performed; yet the commissioners claim that they acted wisely in permitting him thus to draw upon the per centage which was to be retained in their hands; and we shall not undertake to say whether the course that they pursued in that respect, was discreet or indiscreet.

It is unfortunate, that matters should have got into such a condition, as to permit the contractor to get so large a sum of money, while the State got no equivalent; but as the commissioners claim, that they were greatly annoyed by said contractor during the whole progress of his work, we should not be censorious in reference to the course which they felt it their duty to pursue, without a full knowledge and appreciation of attendant circumstances. As to whether the plan adopted was "in accordance with the organic act," will best appear, by examining said act, in conjunction with the several published reports; aided in our conclusion, by an examination of the building itself. It will be seen by reference to said act, which may be found on page 74, of the General Laws of 1857, that after making certain general provisions for the erection of a hospital for the insane, an attempt is made to restrict and hedge in the expenditure, with what was no doubt deemed an impassible barrier against extravagance and excessive outlay, by adopting certain stringent provisions, deemed a prudential guarantee against the improvidence or indiscretion of those to whom the construction of said hospital was to be committed. The then existing circumstances seemed to point to such restraints as eminently proper; and it would have been well for the State, and fortunate to the insane, had those restraints been productive of their intended results. The provisions of section six of the act referred to, are incorporated in the following words: 'The aggregate cost of said institution, with the location, shall not exceed when completed, the sum of one hundred thousand dollars; and in determining the plan to be adopted, the commissioners shall in no event provide for a greater expenditure than the above mentioned sum; and all contracts that shall involve a greater expenditure than the above mentioned sum, shall be null and void."

Your committee have not been able to find any authority for departing from the rule indicated by the above provisions of law; nor have they heard any valid pretext, for any such departure in reference to the plan on which the present building

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seems to have been commenced. It appears to us from the language of the above section, as well as from the spirit of the entire act, taken in connection with the peculiar circumstances preceding and attending its passage, that we could not well come to any other conclusion, than that the Legislature in authorizing the construction of the proposed asylum, designed to erect a properly proportioned and complete institution, and that said building should be constructed of such magnitude as to permit the whole plan to be completed for the sum named in the organic act, so as to make it a hospital for the insane—properly and within itself, adapted to the special object for which it was to be constructed. And we cannot conceive that it would be a compliance with the intent of said act to erect a building at a cost of one hundred thousand dollars, while such building was arranged upon such a plan as to be comparatively useless until further buildings should be erected to adapt it to the purpose for which its construction had been authorized. But when the act declared that the "plan" should, in no event, provide for a greater expenditure than one hundred thousand dollars, the common sense meaning of such a provision would seem to be, that such a plan should be adopted as would properly proportion the apartments between officers and patients, and that when such entire plan was completed, it would cost no more than the sum named in the organic act. If any other construction is to be given to that language of the said act, it might as well be conceded at once that the provision meant just nothing at all. But the reason and propriety of the case leads unerringly to this conclusion: that when the Legislature authorized the erection of a hospital for the insane, they designed specially to provide for those afflicted with that most disastrous and direful of human maladies, whereby the noblest of created beings is deprived of those God-like attributes which alone elvate him above the beast which roams the forest, or renders him less loathsome to behold, or less an object of dread to those around him than the reptile coiled in the path of the horrified traveler. They saw their brethren deprived of the heaven-born faculties of reason; they saw them brutalized by the demoniac passions of insanity, and it was to relieve and avert the miseries of that ill-fated class that the sympathizing representatives of a humane and sympathizing people sought with the scanty means of an embarrassed constituency, to provide a place of refuge from the disturbing elements around, wherein the wandering intellect might be induced to return to its deserted throne, and by the soothing and remedial influences of the place, the attributes of manhood might again be conferred upon that poor,

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shattered remnant of humanity found in the docile or terrible maniac.

Such must have been the object for which the initiative was taken, and when an expenditure was authorized for a purpose so noble, so meritorious, and so worthy of a kind-hearted and generous people; it could not have been intended to exhaust their means in erecting spacious apartments for ministering to the pride and comfort of the sane, while the comparatively small space allotted to that miserable class, whose wretchedness they professed a desire to alleviate, should seem to indicate that their wants and afflictions had been deemed but a matter of secondary and minor importance. We cannot, and will not believe, that while attention was being directed to the horrid wail of suffering humanity, under pretext of responding to the piteous appeal for relief, the legislature designed to erect a mansion four stories in height, covering sixty six by one hundred and twenty-four feet of foundation surface—and devoted mainly to the use and comfort of officers and employees; while but a comparative handful of that unfortunate class for whom such building should have been erected, would be permitted to enjoy the benefits of that expenditure, which they authorized to be made.

We cannot admit that the legislature entertained any such insane and extravagant notions, as to invest the principal portion of its authorized expenditure, in a building devoted to such comparatively useless purposes. And while we assume honesty of intention, on the part of those having charge of the construction of the said hospital, we can come to no other conclusion—than that the spirit of the organic act must have been greatly misconceived, in the plan of the building which is now in process of construction: or that they could have had no adequate idea of the proportion of room which should have been devoted respectively to officers and patients.

And when the organic act declared, that no plan should be adopted which *involved* a greater expenditure than the sum therein named, it was evidently designed to guard against the repetition of such an evil, as that from which the State had but just escaped—permitting an expenditure to be made in such a manner, as to lead to large additional expenditures, to render the original structure available, for the purpose for which it had been erected.

But we would remark, in this connection, that the commissioners claim it to have been their *intention*, to construct a complete and properly proportioned asylum, for the sum limited in the organic act; and that they at all times insisted on having the structure so proportioned and arranged, that the central building and two wings on each side, should constitute the

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whole plan for such institution, when fully completed in all its parts. And while the "extended plan," spoken of by the trustees, we understand by the superintendent and architect, means six wings on each side, we apprehend that those acquainted with the character and wants of such institutions, will admit that the room for patients will have to be widely "extended" by additional buildings, before it will properly correspond with that large space which has been provided for officers and other purposes which are at present useless.

It has been said, that no legitimate plan could have been adopted whose completion would not have involved a larger sum than that named in the organic act; but if this argument amounts to anything—if it was apparent at the commencement that no proper plan could be adopted and completed for the amount prescribed, then there was no legitimate authority to commence the work, till further legislative action should be had upon the subject.

For it will scarcely be contended that the sum authorized was designed to be expended in the erection of a mere *beginning* of a large and splendid edifice, ultimately and necessarily costing three or four times the sum named in the said act, while it must be apparent to the most careless and superficial observer, that if such sum were so expended as to provide first for a large household of officers and other employees, the insane could not be as extensively provided for as if the proportions indicated that the first expenditure was to be the last expenditure in the way of building; and to prevent the occurrence of a mistake which would be so unfortunate, it is declared that "all contracts which involve a greater expenditure " than one hundred thousand dollars are not only prohibited, but shall be " null and void." We should infer tha the word *involve*, as used in this connection, intended to imply that the structure to be erected with the sum proposed, should be so proportioned between officers and patients as to constitute a complete hospital for the insane—moderate in size, but perfect in arrangment.

And though at least some of the commissioners claim that they took such a view of the intention of said act, they must have been greatly mistaken in carrying such intention into execution; and it may be seen that their mistake, however honestly made, has tended to lead the Legislature into a similar mistake, and has thereby been disastrous in its consequences.

For while their reports, from year to year, indicated a condition of things which they seemed to suppose did actually exist, the Legislature, imbibing the impressions authorized by said reports, permitted such expenditures to be made as could not have been approved, and would not have been tolerated, had

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they not been misled by the impressions derived from the reports before them. We cannot induce ourselves to believe that the Legislature of 1857, or at any succeeding session, would have authorized the erection of an insane hospital, on any plan whatever, with an understanding that one hundred thousand dollars might be expended in such a manner as would require them to levy a contribution upon the people of several hundred thousand more, to render the first expenditure available for the purposes for which the same had been authorized. And we cannot conceive, that those restrictions in the organic act, were designed for any other purpose, than to prevent the infliction of just such an evil upon the tax-paying people of the State. And it was doubtless the hopes and anticipations derived from the reports of 1857 and 1858 that the Legislature were induced to make appropriations to carry forward the work of construction, while it may well be doubted, whether a single dollar would have been appropriated, had the facts, set forth in the report of 1859, been set forth in the reports before them, at the time such appropriations were made.

And it seems to us that the reader of the several reports will be led to the conclusion that the "whole plan," spoken of in the report of 1858, must have indicated quite a different structure from that which is termed "part of an extended plan," in the report of the trustees for 1859. For while the former was to cost the State, when all completed and ready for the reception of inmates, $129,850, and was to afford capacity for the reception and treatment of one hundred males and one hundred females, the "extended plan" spoken of in the last named report, is to cost the State $359,049 80, and is to afford accommodation for but fifty additional patients!

And your committee would suggest, that the "central" or main building, now being erected, seems to be abundantly large to meet the official wants of this "extended plan," when the additional buildings for patients shall have been completed to the utmost limit of proposed extension. It would seem that the commissioners could not have had any proper conception as to how the space should be proportioned between officers and patients, for a large disproportion would still exist in favor of the officers, even if the two wings on each side had been constructed, and such disproportion will exist to so great a degree, that it cannot be fully and properly removed short of building to an extent which we trust will not be tolerated.—Whether it necessarily follows that matters pertaining to an insane hospital must, like the unfortunate beings for whom it is provided, be enshrouded in mystery, we will not undertake to determine, but we apprehend that members of the Legislature

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will feel that they have hitherto been under what now appears to be an impenetrable cloud, in reference to the real condition of yonder institution of insanity.

The Legislature was informed by the report which was laid before it at its last session, that when the sum of $97,000 had been expended on the building then in process of construction, including the necessary apparatus, machinery and fixtures, it would be ready for the reception of one hundred patients, and that after an aggregate expenditure had been made of $129,850, accommodation would be provided for the reception and treatment of two hundred patients, and in consequence of those cheering anticipations, the funds said to be sufficient to complete the present structure, and put in the necessary apparatus and machinery, were permitted to be drawn from the taxes of the people.

But we submit to those who were members of the last Legislature, whether the liberal appropriations of that year could have met with legislative sanction, had it not been for the ample provisions for the comfort and welfare of the insane, which the report before us indicated would be made by granting the amount required.

The commissioners disclaim any *intention* to mislead the legislature, in the reports which have been heretofore laid before that body; and while we accept the disclaimer, in so far as *intention* is concerned, the whole matter seems to have been managed so loosely, and under so great an amount of misconception, that the reports of the commissioners for 1857 and 1858, seem irreconcilably at variance with the report of the trustees for 1859, in many of their most important particulars. It would seem that two forces must have been at work in opposite directions; and whether the commissioners were aware of it or not, they appear to have been drifted in such a course, that their reports had only set forth the then *apparent* plan; while it was left to the report of 1859 to set forth the real plan, on which the present building was being constructed; while the legislature was thereby left in almost total darkness as to the actual results which were to flow from the appropriations which they were required to make. The trustees inform us in the report above alluded to, that provision has been made for "kitchens, store rooms, visiting rooms for friends of patients, dining rooms for patients, officers and domestics, the offices necessary for the different departments of the establishment, the rooms necessary for the accommodation of officers, and a large chapel," and after having convinced us that the large and splendid edifice whose dimensions have already been given, was disposed of, to a great extent, for purposes which, as yet, must be

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nearly useless, they impart the consoling intelligence—"that if the present building should be occupied in the precise manner, and for the exact purposes *designed in the plan*, it would afford accommodation for thirty-two patients!" And while the heart sickens at such small results having flown from such vast expenditure, we turn to the report of the commissioners for 1858, and find that the same building seems to have been designed to accommodate "about one hundred patients," without any indication that they would have to be provided for by "temporary" or "objectionable" arrangements. The trustees inform us in their report for 1859, that "it is possible" to make a "temporary arrangement' for twenty-eight additional patients; which arrangement they say, however, will be "open to many objections;" all of which we readily concede, owing to the plan on which the building has been constructed, or rather the order of its arrangement. We understand the superintendent to say, that no change can be made in said building, which will admit more than sixty-four patients; and though it might seem like presumption in us, to differ in opinion with one having so much experience, and possessed of such a fund of special knowledge in matters pertaining to institutions of this description; but we feel ourselves almost constrained to suggest, that a building of such magnitude ought to have provided for a greater number of patients, than that designated by the Superintendent.

And here an important practical question presents itself squarely before us: shall we subject the treasury to a proportional expenditure so fearfully large, as must be required to run the concern in its present form, while so small a number of patients can be admitted for treatment? Whatever may be our determination of this question, we believe that we utter the sentiments of an embarrassed constituency, when we express it as our conviction, that the day which is to dawn upon the completion of that "extended plan," which has been referred to, must be a period of time so very remote, as to rank among the epochs of the far distant future. Firmly impressed with this conviction, and believing that no additional buildings will ever be authorized, of such magnitude as will require so much of the present building as has been provided for other purposes than the accommodation of the insane, to be retained for purposes so nearly useless; we suggest the propriety of adapting the largest possible portion of the present building to the immediate use of patients—some portions temporarily, and others permanently.

The question may naturally be asked, why has not the Legislature interposed heretofore, to arrest the progress of that magnificent structure, which now seems to be shadowed forth

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in such ultimate grandeur? But an answer to such inquiry may be readily found in the fact, that the reports on which appropriations have been hitherto made, presented what purported to be a finished institution, widely different as to its cost and capacity for patients, from that presented in the report of 1859. No one would be led to suppose, by reading the reports of 1857 and 1858, that any such designs existed in reference to the Hospital for the Insane, as the magnitude and arrangement of the central building of such institution would seem to indicate. But having seen the direction in which we are drifting, and obtained a glimpse of the large ultimate outlay to which we are tending, it would seem prudent to stop and take our bearings anew; and that we should endeavor to come to some definite conclusion, as to what sort of a building we are really constructing, and what shall be our course in reference to said institution.

And we would here remark, that it seems to have been too much the case in reference to most of the public institutions of the State, that they have been permitted to run along, without sufficient attention or restraint, during the process of construction, and even of after management; the Legislature holding itself in readiness to honor whatever drafts may be made upon the public treasury, by footing all bills which may result from the whim, caprice, or extravagance, of those having the matter in charge, without making the proper inquiry as to how the money appropriated was being expended.

In consequence of such unwarrantable course from time to time, we find the State involved in expenditures never intended by the Legislature, by erecting costly and magnificent structures, while the original design had been widely different, on the score of economy and outlay.

Such has been more or less the tolerated practice, in the years of the past, and however objectionable may have been the course pursued in reference to the Hospital for the Insane, it by no means forms a new page in our history as to public expenditure.

But the peculiar nature of institutions of that description, is such as to more speedily point to blunders in their construction, and to make such blunders more prominently apparant than would be the case in reference to almost any other public institution. But it seems to us, that such loose and dangerous practice has long enough prevailed, and that the time has arrived, when the Legislature should look into these matters with more scrutinizing care, as the proper custodian of the people's treasury.

And we doubt not, that had the same attention been direc-

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ted to some of our other institutions, as is being directed to the Hospital for the Insane, it would be found that wide differences have existed between estimates and actual cost, and between estimated and real capacity in proportion to the expenditure, as well in reference to those institutions, as to the one under consideration. We do not offer these remarks in justification of any one connected with the Hospital for the Insane, but to call attention to the improper manner in which such matters have too often been conducted, and to express the hope that the time when such a course can be tolerated has passed away to return no more.

It has too often been the practice of by-gone years to commence the construction of a public institution by closely limiting the expenditure in the organic act—commence a building with unpretending dimensions, and special regard to economy in outlays, then turn it over to those into whose hands it was to be committed, and let it slide into whatever channel of extravagance or folly they might choose to direct it.

It has been by this unwise and injudicious practice—the Legislature providing for one kind of a building, while their agents were really constructing another—that we have never been able to know to what amount of expenditure the State was becoming subjected, after having authorized and commenced the erection of a public structure. But we trust that the dearly bought experience of the errors of the past, may be sufficient to put us on our guard for the future, and that henceforth the Legislature will keep a vigilant eye upon the construction and management of all the public institutions of the State, so that errors may be early detected and promptly corrected, and that extravagant or injudicious outlays may be arrested in time to save the public treasury from improper depletion, and the people from the necessity of providing for useless expenditures.

But in reference to the Hospital for the Insane, we cannot believe that the Legislature have ever entertained an idea, that by any act of theirs, they were endorsing such an ultimate expenditure as is implied by the central building which has been erected, neither can we believe that they intended to justify any such expenditure, as has been made for heating apparatus and other fixtures connected with said institution, by any looseness of phraseology contained in the act appropriating money for such a purpose. We regard both building and fixtures as far as they have gone, as quite inconsistent with the principle of economy in expenditure, and corresponding utility in results; for it appears to us, that large sums have been expended in such a manner, that the State cannot receive adequate returning benefits, in durability or usefulness. We would not

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indicate that such money has been dishonestly or fraudulently used; but we do feel, that while the people were groaning under heavy burdens of taxation, and struggling with pecuniary embarassments on every hand, all useless expenditure should have been dispensed with; and that the large and unanticipated debt which has been contracted, should not have been created. The sum of $23,500 which was asked for and said to be sufficient for "outbuildings, machinery and apparatus for heating, cooking, ventilating, &c.," was granted by the Legislature, but to our utter astonishment, we find that the sum claimed to be adequate one year ago has been but little more than half sufficient to defray the expenses of the fixtures alluded to. Not only is the expense in getting up this apparatus being enormously large, but it will be attended with so heavy and such continued expenditure, to keep that vast machinery in operation, that it may well be doubted, whether the comparatively small benefits to be derived from its working, in consequence of the small number of patients provided for, will justify any attempt to open the institution for the reception of patients, till it can be adapted to a greater number than are now admissible. The running expense must be necessarily large, while the benefits to be derived will be comparatively small; the question, therefore, which seems to demand the attention of the Legislature is—by what means can provision be made for the greatest number of insane persons, without further additions in the way of building?

Shall the present building be permitted to remain, as "part of an extended plan"—as the mere beginning of a magnificent edifice, of which the principal portion for patients is yet to be built? or shall a portion of the present structure be diverted from its original purpose, and converted to the greatest possible benefit to the suffering lunatics of the State? are questions of grave practical importance, which it becomes the duty of the Legislature early to determine.

But believing that a large portion of that space which has been devoted to other purposes, should have been prepared for the use of insane patients, we recommend that such action be taken as will best secure that desirable end, and thereby produce the greatest amount of practical good to the suffering lunatics of the State.

With this view we recommend the adoption of the following joint resolutions.

All of which is respectfully submitted.

A. I. BENNETT,
N. D. FRATT,
B. E. HUTCHINSON.

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The committee on Enrolled Bills report that they have examined bill

No. 68, S., entitled "an act to amend chapter 97, of the laws of 1859, being the charter of Carroll College;"

And find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
MADISON, February 17, 1860.

To the Honorable the Senate:

I hereby nominate as Regents of the Board of Normal Schools, subject to the confirmation of the Senate, the following persons, for the term of three years, ending January 1st, 1863:

Sidney A. Bean, of Waukesha county;

Hanmer Robbins, of Grant county;

Jacob West, of Rock county.

I recommend that the law organizing this board be so amended that the Regents shall hold their office until their successors be appointed and confirmed, as there are now always three vacancies from the 1st of January until appointments are made.

ALEX. W. RANDALL.

On motion of Sen. Simpson,

The further consideration of the message was postponed till to-morrow.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 229, A., a bill for an act to incorporate the village of Fort Atkinson:

No. 289, A., a bill for an act to amend chapter 97, of the Private and Local Laws of 1859, entitled "an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof;"

To committee on Incorporations.

No. 309, A., a bill for an act to appropriate to Amasa Cobb the sum of $66 88;

No. 276, A., a bill for an act to appropriate to S. B. Scott assignee of Berliner & Bruno the sum of $650;

No. 299, A., a bill for an act to appropriate to Andrew Bishop the sum of $52;

No. 300, A., a bill for an act to appropriate to Geo. Theis he sum of $73 75;

To general file.

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No. 284, A., a bill for an act to establish the name of Ellie Metcalf;

No. 288, A., a bill for an act to amend section 25, of chapter 121, of the Revised Statutes entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein;"

No. 261, A., a bill for an act to amend chapter 127, of the General Laws of 1859, entitled "an act to require the circuit judge of the Third Judicial Circuit, to hold special terms of the circuit court;"

No. 177, A., a bill for an act to amend section 3, of chapter 116, of the Revised Statutes, entitled "of circuit courts;"

No. 297, A., a bill for an act to legalize the sale of land for unpaid taxes in the county of Trempeleau;

To committee on the Judiciary.

No. 222, A., a bill for an act to provide for the inspection of plank, gravel, and turnpike roads, constructed by companies incorporated by special acts of the Legislature;

No. 241, A., a bill for an act to amend 210, of the Private and Local Laws of 1859, entitled "an act to incorporate the Boscobel and Manhattan Bridge Company;"

To committee on Roads, Bridges and Ferries;

And,

M. C. No. 3, A., memorial to the Postmaster General of the United States for re instatement of weekly mail service on mail route 13,088, from Bayfield, in La Pointe county, to Chippewa Falls in the county of Chippewa;

To committee on Federal Relations.

No. 282, A., a bill for an act to amend chapter 409, of the Private Laws of Wisconsin for the year 1856, entitled "an act to incorporate the Ripon and Wolf River Railroad;"

To committee on Railroads.

BILLS ON THEIR THIRD READING.

The following bill was read a third time and concurred in:

No. 100, A., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No 14, S., a bill for an act to prescribe the duties of the Secretary of State in certain cases and to repeal chap. 155, of

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the General Laws of 1858, entitled "an act providing for the appointment of a Comptroller, and prescribing his duties;"

The ayes and noes being called for,

The bill was passed—ayes 18, noes 1:

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Phillips, Simpson, Stewart, Virgin and Washburn—18.

Sen. Decker voted in the negative.

No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards.

No. 60, S., a bill for an act to authorize the Citizens Bank, Oshkosh, to remove to Black River Falls, Jackson county.

No. 87, S., a bill for an act to legalize the proceedings of district board of school district No. 5, of the town of Platteville, Grant county.

No. 89, S., a bill for an act for the relief of Nathan B. Langdon and others.

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business.

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital;

The ayes and noes being called for,

The bill was passed—ayes 16, noes 4:

Those who voted in the affirmative were

Senators Bartlett, Burdick, Comstock, Davis, Decker, Ferguson, Gill, Hilgen, Hotchkiss, Hutchinson, Phillips, Simpson-Taylor, Thurbur, Virgin and Washburn—16.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Cox and Stewart—4.

M. C. No. 2, S., memorial to Congress for a daily mail route from the village of Lake Mills, to the village of Jefferson, in the county of Jefferson, Wis.

On motion of Sen. Stewart,

The Senate went into

COMMITTEE OF THE WHOLE

On the general file.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 88, S., a bill for an act to authorize the issuing of patents to deceased persons in certain cases;

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No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

No. 107, S., a bill for an act to amend section 1, of chap. 166 of Revised Statutes, entitled of forgery and counterfeiting;

No. 117, S., a bill for an act to provide for the removal of the county seat of Buffalo county;

No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled an act relating to Dane County Court;

No. 113, S., a bill for an act to authorize the Secretary of State to credit certain moneys to the county of Green Lake;

No. 103, A., a bill for an act to amend section 2, of chapter 134 of the Revised Statutes, relative to executions and proceedings supplementary thereto;

No. 89, A., a bill for an act releasing the directors of Star Rifle Company of Oshkosh, Winnebago county, from the obligations of a certain bond;

No. 249, A., a bill for an act to appropriate to C. V. N. Kittredge, the sum of $188 61;

No. 133, A., a bill for an act to appropriate to Chauncey Abbott the sum of $200;

No. 140, A., a bill for an act to change the time of holding terms of circuit court of Dane county;

No. 82, A., a bill for an act to amend section 1, of chapter 266, of the Private Laws of 1855, entitled an act to amend an act entitled an act to amend an to incorporate the Fort Winnebago, Baraboo Valley and Minnesota Railroad Company;

And,

No. 158, A., a bill for an act to amend chapter 222, of the Sessson Laws of 1859, entiled "an act to change the name of Amanda Louisa Crumb to Amanda Louisa Brond;"

With the recommendation that they do pass.

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled railroads;

With an amendment, and the recommendation to pass when so amended.

No. 114, S., a bill for an act to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the State;

With recommendation to refer to the committee on Claims.

Na. 104, A., a bill for an act to amend section 9, of chapter 183, of the Revised Statutes, entitled "of offences cognizable before justices of the peace;"

And,

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No. 124, S., a bill for an act to annex certain territory in the county of Pierce to the county of Pepin;
With recommedation of recommittal.

REPORT CONSIDERED.

Nos. 88, 118, 107 and 117, S.,
Were ordered engrossed for a third reading.
Nos. 133, 140, 82, 158, 89 and 249, A.;
Were ordered to a third reading.
No. 59, S.,
Amendment was adopted, and
The bill ordered engrossed for a third reading.
No. 124, S.,
Was recommitted to committee on Town and County Organization;
No. 103, A.,
Senate refused to order to a third reading;
Nos. 105 and 113, S.,
Were placed in the general file;
No. 114, S.,
Was committed to committee on Claims;
No. 104, A.,
Was recommitted to Judiciary committee;
On motion of Sen. Thurbur,
All rules were suspended in order to place upon its passage bill
No. 117, A.;
The question occurring upon the passage of the bill,
The bill was passed, and the title agreed to.
On motion of Sen. Hanchett,
The Senate adjourned.

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TUESDAY, February 21, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Webster.
Roll called and a quorum present.
The reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Cox:
No. 89, S., petition for State road from Alma, in Buffalo county, to Prescott, in Pierce county;
To cummittee on Roads, Bridges and Ferries.

By Sen. Cox:
No. 90, S., memorial to Legislature for mail route;
To committee on Federal Relations.

By Sen. Burdick:
No. 93, S., the petition of Wm. H. Fox and others, asking the Legislature to limit the compensation of the members of the board of supervisors of Dane county, who are now engaged in investigating the financial concerns of the county, to $2 per day;
To general file.

By Sen. Hanchett:
No. 92, S., memorial of Thomas Hinton and others, relating to the payment of taxes in the county of Marathon;
To Judiciary committee.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred.

By committee on Finance:
No. 186, S., a bill for an act to provide for equalizing and apportioning State and county taxes among towns, cities and incorporated villages, for the year 1860;
To general file.

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By Sen. Burdick:

No. 187, S., a bill for an act to extend the time for the collection of the State and county tax in the city of Janesville;

On motion of Sen. Burdick,

All rules were suspended in order to place said bill on its passage.

The question occurring on the third reading of the bill,

It was ordered to a third reading, and read.

The ayes and noes being required,

The bill was passed—ayes 22, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Phillips, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—22.

Those who voted in the negative were,

Senators Hilgen and Maxon—2.

By Sen. Hutchinson:

No. 188, S., a bill for an act concerning the transcribing of records;

To Judiciary committee.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Hanchett:

No. 51, S.,

Resolved, That when the Senate adjourns, it adjourn until Thursday morning next;

Sen. Washburn moved to amend the resolution, by striking out the words "Thursday morning next," and inserting instead thereof, the words "this evening at seven o'clock;"

The amendment was lost.

The question then occurring on the resolution,

It was adopted.

REPORTS OF COMMITTEES.

The committee of Federal Relations, to whom was referred, M. C. No. 3, A.,

Have considered the same, and instructed me to report the same back, and recommend its passage.

CURTIS, *Ch'n.*

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled, to wit:

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co. the sum of $235 38.

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No. 102, S., a bill for an act to appropriate to Hudson Fox the sum of $125.

No. 141, S., a bill for an act to appropriate to Alexander McDowell the sum of $24 90.

No. 154, S., a bill for an act to appropriate to Simon Sekles the sum of $66.

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534 56.

No. 108, S., a bill for an act to appropriate to John D. Welch the sum of $40 50.

GEO. BENNETT, *Ch'n.*

The committee on Finance, to whom was referred Senate resolution, in relation to the action on the equalization of the State board in September last,

Have had the subject under consideration, and report the accompanying bill, to carry out the intention of the said State board of equalization.

A. I. BENNETT, *Ch'n.*

The joint committee of the Senate and Assembly to whom was referred

No. 86, S., entitled an act to abolish the county board of supervisors and to establish tha board of county commissioners;

Have had the same under consideration, and instructed me to report the same back to the Senate, with amendments, and when so amended, recommend its passage.

P. B. SIMPSON,
B. E. HUTCHINSON,
Senate Committee.
J. S. BUGH,
GEO. S. BARNUM,
BENJ. HUNKINS,
Assembly Committee.

Your committee on Federal Relations to whom were referred J. Res. No. 6, S.,

Relative to riots at Harper's Ferry;

Have had the same under consideration, and beg leave to report the following, as substitute for the original resolutions:

Whereas, The "constitution" of our State was "established" to "secure" the "blessings" of "freedom," and through "a more perfect government," to "secure domestic tranquility, and promote the general welfare;" and

Whereas, The "constitution of the United States of America" was ordained and established by "the people of the United States, in order to form a more perfect Union, establish

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justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to (themselves) and (their) posterity;" therefore,

Resolved, by the Senate, the Assembly concurring, That as citizens of Wisconsin and of the United States, we deem it our imperative duty to exercise that "eternal vigilance"—which "is the price of liberty"—in constitutionally struggling to achieve the objects sought in the ordaining and establishing of our State and United States constitutions.

Resolved, That in our opinion, slavery is a purely local institution—depending for its legal existence, solely upon local law; that it is an outlaw, morally; and that it can draw neither local vitality, nor propagative force from the constitution of the United States; and that, while we strongly deprecate any form of interference with the institution—save by citizens of the State in which it exists—we will exercise every constitutional power to prevent its further expansion, under the solemn conviction of its being inherently opposed to the best interests, and highest aims of our government, and of the civilized world.

Resolved, That "the invasion, seizure and robbery, in December, 1855, of the arsenal of the United States, at Liberty, in the State of Missouri, by a body of armed men," and "the late invasion and seizure of the armory and arsenal of the United States, at Harper's Ferry, in Virginia, by a band of armed men," were in violation of law, without the color of right, and deserving of the most unqualified condemnation of every lover of liberty and of the Union.

Resolved, That "it is of infinite moment that we should properly estimate the immense value of our National Union, to our collective and individual happiness—that we should cherish a cordial, habitual and immoveable attachment to it, accustoming ourselves to think and speak of it as the palladium of our political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts; and be it further

Resolved, That, in view of this salutory advice, we cannot too strongly condemn the angry, arrogant and reckless avowal of disunion sentiments, now characteristic of many representatives in Congress; while we as cordially approve the course of those representatives—be they from north or south—who firmly stand for the Union, and against the further extension of slavery, as we pity those who, through constitutional blindness, or

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moral weakness, have not the penetration to discern, or the courage to perform the solemn and weighty responsibilities attaching to the representatives of those who chiefly desire "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to (themselves) and (their) posterity."

By order of committee.

O. F. BARTLETT, *Ch'n.*

Laid over.

The minority of your committee on Federal Relations, dissent in part from the views expressed by a majority of said committee in thier report, in recommending a substitute for

J. Res. No. 6,

Relative to the "riots at Harper's Ferry;"

And recommend the adoption of said J. Res. No. 6, in lieu of said substitute proposed by the majority of said committee.

P. B. SIMPSON.

The joint standing committee for Investigation, to whom was referred so much of the Governor's message as relates to the Geological survey, report the same back, and recommend the passage of the following joint resolution.

DAVIS, *Ch'n.*

J. Res. No. 14, S.,

Resolved, by the Senate, the Assembly concurring, That so much of the Governor's Message as relates to the Geological survey, be referred to a joint select committee, consisting of two members of the Senate and three members of the Assembly;

Adopted.

And the President appointed Senators Davis and Simpson committee on the part of the Senate.

THE GOVERNOR'S MESSAGE

Which was received yesterday and laid over, was taken up.

Senator Burdick moved to consider separately the names of those who were appointed by the Governor to fill vacancies in the Board of Regents of Normal Schools;

And the motion prevailed.

The question occurring on the confirmation of the appointment of Sidney A. Bean,

The ayes and noes were called for, and

The appointment was confirmed—ayes 23, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick,

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Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—23.

The question then occurring on the confirmation of the appointment of Hanmer Robbins;

The ayes and noes were called for,

And the appointment was confirmed—ayes 24, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—24.

The question then occurring on the confirmation of the appointment of Jacob West;

The ayes and noes were called for,

And the appointment was confirmed—ayes 24, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—24.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:

I am directed to inform you that the Assembly has concurred in the passage of,

No. 56, S., a bill to authorize the Mechanic's Bank of Green Lake to remove to Whitewater;

No. 75, S., "a bill for an act to amend chapter 205, of the General Laws of 1859, entitled an act to repeal so much of chapter 28, of the Revised Statutes, as authorizes or directs the appraisal of the school or university lands, approved March 21, 1859;"

No. 70, S., a bill for an act relating to the publication of legal notices;

No. 84, S., a bill for an act to confer upon the committee of Investigation into the financial affairs of the county of Dane;

With an amendment,

In which the concurrence of the Senate is requested.

And

No. 91, S., a bill for an act to amend subdivision 3, section

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45, chapter 23, of the Revised Statutes, entitled "of common schools."

I am further directed to present to you for signature,

No. 7, S., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door.

No. 149, A., a bill for an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;

And,

No. 68, S., a bill for an act to amend chapter 97, of the Laws of 1849, being the charter of Carroll College.

Which have been signed by the Speaker.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time, and concurred in:

No. 89, A., a bill for an act releasing the directors of the Star Rifle Company, of Oshkosh, Winnebago county, from the obligation of a certain bond;

No. 158, A., a bill for an act to amend chapter 222, of the Session Laws of 1859, entitled "an act to change the name of Amanda Louisa Crumb to Amanda Louisa Brond;"

No. 133, A., a bill for an act to appropriate to Chauncey Abbott the sum of $200;

The ayes and noes being required,

The bill was passed by the following vote—ayes 21, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Stewart, Thurbur, Virgin, Washburn and Worthington—21.

None voted in the negative.

No. 249, A., a bill for an act to appropriate to C. V. N. Kittredge the sum of $188 61;

The ayes and noes being required,

The bill was passed by the following vote—ayes 18, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Ferguson, Gill, Hilgen,

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Hutchinson, Maxon, Stewart, Virgin, Washburn and Worthington—18.

None voted in the negative.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 117, S., a bill for an act to provide for the removal of the county seat of Buffalo county;

No. 88, S., a bill for an act to authorize the issuing of patents to deceased persons in certain cases;

No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

No. 107, S., a bill for an act to amend section 1, of chapter 166, of Revised Statutes, entitled of forgery and counterfeiting;

SPECIAL ORDER.

Bill No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150;

Which, on the 15th inst., was postponed till to-day,

Was considered, and

Sen. Maxon moved that the bill be referred to the Judiciary committee;

And the motion prevailed.

MESSAGE FROM THE ASSEMBLY,

By Jno. S. Dean, Esq., Assistant Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for your signature,

No. 95 S., a bill for an act to appropriate to James Livesey the sum of 534 56;

No. 102, S., an act to appropriate to Hudson Fox the sum of $125;

No. 108, S., an act to appropriate to John D. Welch the sum of $40 50;

No. 131, S., an act to appropriate to Candee, Dibble & Co. the sum of $235 38;

No. 141, S., an act to appropriate to Alexander McDowell the sum of $24 90;

And

No. 154, S., an act to appropriate to Simon Sekles the sum of $66;

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Which have been signed by the Speaker.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital;

And

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business.

On motion of Sen. A. I. Bennett,

The Senate resolved itself into the

COMMITTEE OF THE WHOLE,

On the general file,

Sen. Stewart in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 121, S., a bill for an act to authorize the Lembermans' Bank to reduce its capital stock;

No. 122, S., a bill for an act to authorize the Bank of Moneka to reduce its capital stock;

No. 126, S., a bill for an act to authorize the Northern Bank to reduce its capital stock;

No. 36, A., a bill for an act to provide for the disposal and expenditure of the drainage fund, in the county of Washara;

And

No. 190, A., a bill for an act to permit the Bank of Beloit to reduce its capital stock;

With the recommendation that they do pass.

No. 32, S., a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La-Crosse;

With a substitute, and recommend the passage of the substitute

No. 55, S., a bill for an act to establish an official State paper.

And,

No. 97, S., a bill for an act to provide for the punishment of certain offences therein named;

With the recommendation that they be referred to the Judiciary committee.

No. 109, S., a bill for an act to appropriate to S. D. Carpenter a sum of money therein named;

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With the recommendation that it be recommitted to the committee on Printing.

No. 109, A., a bill for an act to authorize the town of Half Moon, in the county of Eau Claire to keep and maintain a free ferry across the Chippewa river, in said town;

With the recommendation that it be referred to a select committee, of which Sen. Cox shall be the chairman.

REPORT CONSIDERED.

No's. 36 and 190, A.,

Were ordered to a third reading.

No's. 121 and 122, S.,

Were ordered engrossed for a third reading.

On the question of ordering

No. 121, S., to be engrossed for a third reading,

The ayes and noes were called for, and

The bill was ordered engrossed for a third reading—ayes 20, noes 4.

Those who voted in the affirmative were,

Senators A. I. Bennett, Burdick, Comstock, Curtis, Davis, Decker, Eagan, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon Phillips, Rodolf, Simpson, Thurbur, Virgin, Washburn and Worthington—20.

Those who voted in the negative were,

Senators Bartlett, G. Bennett, Cox and Stewart—4.

No's. 55 and 97, S.,

Were recommitted to the Judiciary committee.

No. 109, S.,

Was recommitted to the committee on Printing.

No. 32, S., with substitute;

The substitute was adopted, and ordered engrossed for a third reading.

No. 109, A.,

Was ordered to be committed to a special committee of three.

The President appointed,

Senators Seeley, Washburn and Simpson, said committee.

Sen. Curtis asked unanimous consent to amend bill

No. 82, A.,

By striking out of section 1, the numeral "2," where it occurs in the last line of said section, and insert instead thereof, the numeral "4;"

No objection was made.

On motion of Sen. Curtis,

All rules were suspended,

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In order to put upon its passage, said bill
No. 82, A., as amended.

The bill as amended was then ordered to a third reading, read and passed.

On motion of Sen. Thurbur,

The Senate adjourned till Thursday morning, at 10 o'clock.

THURSDAY, FEBRUARY 23, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Walters.
Roll called, and quorum present.
Reading of the journal of Tuesday, dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Worthington:

No. 93, S., remonstrance of Peter Wood and 35 others, citizens of Waukesha county, against the passage of any law taking the license money from the poor fund;

To committee on Finance.

By Sen. Worthington:

No. 94, S., remonstrance of E. S. Purple, H. N. Davis and 60 others, citizens of Waukesha county, against the passage of any law taking the license money from the poor fund;

To committee on Finance.

By Sen. Seeley:

No. 95, S., remonstrance of J. V. Sweeting and 54 others, citizens of Berlin, against the division of the first ward of said city;

To Judiciary committee.

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By Sen. Hotchkiss:

No. 96, S., petition of O. Treadwell and 148 others, praying the passage of a law to restrain dogs from running at large;

To committee on Agriculture.

By Sen. Eagan:

No. 97, S., petition of citizens of the towns of Lake and Greenfield, in the county of Milwaukee, to re-annex certain lands to said towns;

To committee on Town and County Organizations.

By Sen. Eagan:

No. 98, S., petition of citizens of the town of Wauwatosa, in the county of Milwaukee, to re-annex certain lands to said town, &c.;

To committee on Town and County Organizations.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Burdick:

No. 189, S., a bill for an act to extend the time for the collection of taxes in the town of Union, in the county of Rock;

On motion of Sen. Burdick,

All rules were suspended in order to pass said bill,

No. 189, S.;

The bill was then ordered read a third time;

Read and passed.

By Sen. A. I. Bennett:

No. 190, S., a bill for an act to amend chapter 6, of the Revised Statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents;"

To the committee on printing.

By Sen. Burdick:

No. 191, S., a bill for an act to amend chapter 66, of the Revised Statutes, entitled "of religious societies, and to legalize the acts of Registers of Deeds in certain cases;"

To Judiciary committee.

By Sen. Hanchett:

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

To committee on Incorporations.

By Sen. Worthington:

No. 193, S., a bill for an act to amend chapter 30, of the Private and Local Laws of Wisconsin for the year 1859, enti-

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tled "an act to amend an act to incorporate the village of Waukesha;"

To committee on Incorporations.

By Sen. Stewart:

No. 194, S., a bill for an act to incorporate the First Universalist Church of Monroe;

To committee on Incorporations.

By Sen. Eagan:

No. 195, S., a bill for an act to re-annex certain lands to the towns of Wauwatosa, Greenfield and Lake, in the county of Milwaukee;

To committee on Town and County Organization.

By committee on Claims:

No. 196, S., a bill for an act to appropriate to A. J. Langworthy, the sum of $833;

To general file.

ACCOUNTS

Presented and referred.

Senator Comstock presented the following accounts;

No. 23, S., acct. of Thomas Gilll;

No. 24, S., acct. of Wm. F. Gill;

No. 25, S., acct. of Thomas Knudson;

No. 26, S., acct. of Francis Herwood;

No. 27, S., acct. of William Hawley;

Which were referred to committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Washburn:

Res. No. 52, S.,

Resolved, That on and after Tuesday next, the Senate will hold two sessions each day, the afternoon session commencing at four o'clock;

Adopted.

J. Res. No. 6, S.,

With substitute, reported by committee on Federal Relations, and the minority report of said committee;

Which were laid over on Tuesday last;

Was taken up.

Sen. Simpson moved to adopt the minority report;

Ruled out of order.

Sen. Virgin moved to postpone the consideration of "the whole matter" till the first day of March next;

Pending which,

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Sen. Virgin moved the previous question;

The call was not sustained.

Sen. Washburn moved to lay on the table the resolution, substitute and report;

Withdrawn.

Sen. Curtis moved that the resolution, substitute and report be made the special order for to-morrow evening at 7 o'clock;

And the motion prevailed.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled, viz:

No. 101, S., for an act to amend chapter 263, of the Private and Local Laws of 1857, entitled "an act to incorporate the Muscoda and Richland Bridge Company;"

No. 78, S., for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that, on the — inst., they presented to the Governor for his approval, the following bills, viz:

No. 184, S., a bill for an act to appropriate to Simon Sekles the sum of $66;

No. 141, S., a bill for an act to appropriate to Alexander McDowell the sum of $24 90;

No. 131, S., a bill for an act to appropriate to Candee, Dibble & Co. the sum of $235 38;

No. 108, S., a bill for an act to appropriate to John D. Welch the sum of $49 50;

No. 95, S., a bill for an act to appropriate to James Livesey the sum of $534 50;

No. 102, S., a bill for an act to appropriate to Hudson Fox the sum of $125;

No. 68, S., a bill for an act to amend chapter 97, of the Laws of 1849, being the charter of Carroll College;

No. 173, A., a bill for an act to amend chapter 164, of the General Laws of 1859, entitled "an act to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door;"

No. 7., A., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions, and proceedings supplementary thereto;"

No. 149, A., a bill for an act to extend the time for the col-

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lection of taxes in the town of Freedom, in the county of Outagamie;

No. 7, S., for an act to authorize the members and officers of the Legislature to take newspapers at the expense of the State, and to provide for the payment therefor.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Agriculture and Manufactures, to whom was referred

Bill No. 116, S., a bill for an act to authorize the Secretary of State to audit the annual appropriation to county agricultural societies;

Have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

E. D. MASTERS, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred

No. 49, A., a bill for an act concerning mortgages to the State on school lands in the city of Racine;

Have had the same under consideration, and report it back with passage recommended.

Also,

No. 181, S., a bill for an act to amend chapter 22, of the Revised Statutes, entitled "of academies and normal schools;"

And report back recommending passage.

HUTCHINSON, *Ch'n.*

The committee on Claims, to whom was referred account

No. 19, S., the account of A. J. Langworthy, sheriff of Milwaukee county, for conveying 32 convicts to Waupun;

Have considered the same and report it back by bill

No. 196, S., a bill for an act to appropriate to A. J. Langworthy the sum of $833;

And recommend said bill do pass.

Also,

No. 114, S., a bill for an act to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the State;

Have considered the same and report it back with an amendment, and recommend its passage as amended.

Z. P. BURDICK, *Ch'n.*

The committee to whom was referred

No. 109, A.,

Report as follows: Amend by striking out of section 2, the words, "it shall be the duty of," and by inserting after the words, "Half Moon," in second line of said section the words

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"are hereby authorized," strike out all of section 4, and insert instead, "this act shall be in force from and after the tenth day of April next."

C. B. COX, *Ch'n.*

The committee on Federal Relations have had under consideration

Mem. No. 90, S., for a mail route in St. Croix county;

And instruct me to report it back by

M. C. No. 3, S., memorial to Congress for a mail route from the city of Hudson, in St. Croix county, Wisconsin, via St. Joseph, Apple River Bridge, Ceylon, Erin Prairie and Hammond to Warren;

With the recommendation that it do pass.

CURTIS, *Ch'n.*

The committee on State Affairs to whom was referred the memorial of Nelson McNeal, relative to the Hospital for the Insane, respectfully submit this report.

Your committee considered that the memorialist alleged substantially:

1st. That the commissioners wrongfully compelled him to receive their scrip instead of money, and upon this he was obliged to suffer a discount of over thirteen hundred dollars.

2d. That they would not allow him to draw the money from the treasury, but under various pretences wrongfully retained control over it.

3d. That he prosecuted his contract "with all due diligence," but the commissioners willfully embarrassed his operations, withheld payments, and compelled him to resign his contract, when he was able and willing to complete it, and the letter of resignation was extorted from him.

4th. That commissioners "assumed to act as agents and disbursing clerks of the memorialist," and by wrongfully intermeddling with his affairs, prevented him from prosecuting his work, and compelled him to abandon his contract, to his great damage.

5th. That the commissioners directed great and important changes in the work and materials, seriously to the damage of the memorialist, and that the drawings were imperfect and defective.

6th. That he expended much time and labor, and about sixteen thousand dollars more than he received; and that the commissioners unjustly represent that the State has a claim against him and his sureties for overpayments.

We have given a careful hearing to all the evidence which Mr. McNeal desired to submit; and in view of the charges made, were much surprised to find his own statements falling

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so far short of sustaining them, and the facts leading to different conclusions.

It is undoubtedly true that the commissioners drew their drafts upon the treasury in favor of the memorialist as contractor, as required by the contract and the law. They had no possession of the funds, and could pay no money to him.—The drafts were sometimes made when there was no money in the treasury to meet them, and he was obliged to sell them at a discount. His account rendered to the committee, shows a discount suffered amounting to $1,685. But we know of no peculiar circumstance in this case that would justify the Legislature in taking the first step towards inaugurating an expensive and dangerous practice, by making compensation for the discount suffered. It would open the door to endless frauds and collusion. There is no reason why all holders of State script should not be indemnified for losses, if any are to be; and it would not be difficult to find a case with at least equal equities. The end could not be foreseen from the beginning of such a system.

As early as the spring following the commencement of the work, laborers and mechanics under the employ of Mr. McNeal, and material men from whom he purchased, complained to the commissioners that he did not apply the money received upon estimates in payment of their claims, and refused to labor or funish materials unless they would become responsible for the amounts. In several instance notices were given, to enable parties to avail themselves of the lien which they claimed extended by the statute. The commissioners declined to become responsible, unless the could direct the application of funds in payment of amounts guarantied by them. Mr. McNeal acquiesced in this, and the business was thus conducted up to the time he abandoned the work; and until the commissioners refused to make further advances, it seems to have been satisfactory—at least, no complaint was made to the Legislature.—The commissioners expended the appropriation much faster than he earned it, and made payments faster than the estimates called for, not even withholding the twenty per cent reservation. We could not say that this course was just to the State, and believe here was one of their most grievous errors; but it is difficult to construe it into an act of injustice to the contractor. If they had complied only with the letter and spirit of the contract, and paid only so fast as the estimates required, Mr. McNeal would sooner have abandoned the work or procured assistance to carry it to completion. The report of the commissioners and the admission of the memorialist, gives the sum of payments to contractor at $71,999 12, and it appears by the books of the

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Secretary of State, that the amounts allowed him exceed that sum by $3,461 96. At the time of relinquishing the contract the work remaining to be done, according to estimates, amounted to $26,055 65.

Thus with a contract calling for $73,500 upon its entire execution, he acknowledges the receipt of $71,999 12, with less than two thirds of the work performed, and as appears by the secretary's books he has received $1,961 08 above the whole contract price.

It is difficult to conclude that the work was prosecuted "with all due dilligence," as it was behind time from the first; and this fact undoubtedly contributed to its expensiveness and to his own loss. That he could not proceed further without additional allowances, already grossly improper, and that he had under-estimated the expensiveness of some portions of the work, convinced Mr. McNeal, as he says, that the further he went the greater his loss, and induced him to abandon his contract, and appeal to the generosity of the Legislature for relief. The memorialist adduced no evidence tending to show improper conduct on the part of the commissioners, to compel him to resign his contract.

We procured from Mr. McNeal an itemized statement of his claim for extras, on account of changes in work or materials. This we placed in the hands of a competent architect, with a copy of the contract, with directions to compare this account with the contract and the work actually performed. The result of his examination was that only two small items were sustained, except such as had been made for his express convenience or benefit, or occasioned by his mistakes, aside from those for which he had received compensation. These were for laying floor in attic of main building, and an extra truss above the chappel, the value of which he estimate not to exceed $150. To guard against such claims the contract had wisely provided that no allowance would be given for extras or charges, unless stipulated in writing.

The drawings were identical with those upon which the bids were made, and sufficiently accurate for the use of the mechanics. Whatever fault may lie at the door of the architect for the Asylum, we *have not*, we were nuable to discover any serious injury resulting to the contractor.

The stone used in th erection of the walls correspond with the specimen exhibited to bidders and the contractor, at the time of the letting. But it seems that the great misfortune of the contractor arose from an erroneous estimate of the facility of working it. In this he was doubtless deceived to his injury, but without the fault of any one. Nothing more seems to have been required of him than was in the bond.

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It is probably true that Mr. McNeal has lost money in his contract, but not to exceed one-third the amount claimed by him. The precise amount of his advances does not appear from his vouchers. The evidence referred to by him to sustain this part of his memorial, and as the basis of a claim for relief by the State, informed us only of an expenditure of about five thousand dollars; and we failed to discover any reason why, with reasonable prudence, there should have been any loss. The bid next to his for the contract was only about twelve thousand dollars higher; and having already received some twenty thousand dollars more than he was entitled to, and his failure causing great expense to the State, and delay in a much needed work of charity, we have looked in vain for considerations that can justify his application. If he had prosecuted the work "with all due diligence," prudently and discreetly to a completion, and had shown a loss arising from unforeseen circumstances, against which ordinary business foresight would not have guarded, he might, with a greater propriety, have made this application. We do not think this is his case.

We know of no considerations of equity, much less of public policy and official accountability, that will justify an allowance to a contractor above the stipulated price, under any ordinary circumstances; and it is easy to see the most disastrous consequences following in the train of such a precedent. It can never be known by the Legislature how much has been actually expended; and the demand for "equitable relief" will only be bounded by the rapacity of the claimant, which past observation has shown to be limited only by the influence at command to move the sympathies or deceive the judgment of the Legislature. The time has already come when both the managers and contractors for our public institutions set at defiance every restriction upon extravagance, and laugh at fancied checks upon speculation. However prudent the calculations with which the work is embarked upon, the public have no power of estimating its expense. "Improvements," "extra work" and "materials" follow the dictate of every caprice or fancy, and appropriations are so expended as to render additional ones imperative to make them available. Debts are contracted wholly unauthorized, and a seeming necessity is imposed upon the Legislature to provide for the payment. If to the other abuses, which have been so long followed as to be reduced to a science, we inaugurate or encourage the system of depending upon extra compensation, we can see the end of all fair competition in bidding for public work; the artful and skillful manager, or the untiring "bore" need only to secure a contract at

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any price, and depend upon his address to make good any loss, real or fictitious; while *bona fide* bidders, without any such contingent in view, could never hope to succeed. Whether such possibilities entered into the calculations of Mr. McNeal, it is certainly no novelty in our financial history.

We have no recommendations to submit. We have only to say that we do not find the allegations of the memorialist sustained, either by his own statements or the evidence adduced by him.

Respectfully submitted.

B. E. HUTCHINSON,
J. W. STEWART,
BEN. FERGUSON.

The committee on Railroads to whom was referred
No. 65, A.,
Also
Nos. 178, A., and 135, S.,
Have been considered, and their passage recommended.

E. L. PHILLIPS, *Ch'n.*

The committee on Incorporations to whom was referred
No. 200, A., entitled a bill for an act to repeal an act entitled "an act to amend chap. 59, of the Local Laws of 1855, entitled 'an act to incorporate the Beloit Gas Light and Coke Company;'"
And
No. 194, A., entitled a bill for an act to incorporate the Fountain City Social Gymnastic Association;
And
No. 76, S., entitled a bill for an act to amend an act approved March 11th, 1859, entitled "an act to amend an act to incorporate the village of Horicon," approved March 29th, 1855;
And
No. 81, S., entitled a bill for an act to amend an act entitled "an act to incorporate the Yellow River Improvement Company," approved March 2d, 1857;
Have had the same under consideration, and instructed me to report the same back to the Senate, and recommend their passage.

The committee have also had under consideration
No. 172, S., entitled a bill for an act to incorporate the village of Mauston, in Juneau county;
And
No. 229, A., entitled a bill for an act to incorporate the village of Fort Atkinson;
And instructed me to report the same back without recommendation.

M. W. SEELEY, *Ch'n.*

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The committee on Town and County Organization, to whom was referred

No. 128, S., a bill for an act to define the boundary line between the counties of Green Lake and Marquette;

Have had the same under consideration, and recommend its passage.

N. H. VIRGIN, *Ch'n.*

The committee on the Judiciary, to whom was referred

No. 150, S., a for an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of the proof, and recording of conveyances, and the canceling of mortgages;"

Also,

No. 177, A., a bill for an act to amend section 3, of chap er 116, of the Revised Statutes, entitled "of the circuit courts;"

Also,

No. 192, A., a bill for an act to amend chapter 95, of the General Laws of 1859, entitled "an act conferring jurisdiction on the county court of Bad Ax county;"

Also,

No. 233, A., a bill for an act providing for additional terms of the circuit court for the county of Racine;

Have had said bills under consideration, and herewith report the same back, recommending their passage.

Also,

No. 139, S., a bill for an act relating to the duties of Register of Deeds;

Which is herewith reported back and passage recommended.

Said committee have also had under consideration

No. 152, S., a bill to amend chapter 134, of the Revised Statutes, entitled "of executions, and proceedings supplementary thereto;"

Also,

No. 199, A., a bill for an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed of the proof and recording of conveyances, and the cancelling of mortgages;"

Also,

No. 210, A., a bill for an act prescribing the mode of sales on judgments or orders of court in certain cases;

Also,

No. 297, A., a bill for an act to legalize the sale of lands for unpaid taxes in the county Trempeleau;

And herewith report said bills back with the recommendation that they be severally indefinitely postponed.

Also,

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No. 156, A., a bill for an act to amend section 16, of chapter 35, of the Revised Statutes, entitled "of excise;"

Which is herewith reported back with the recommendation of indefinite postponement.

Said committee have also had under consideration,

No. 149, S., a bill to amend chapter 35, of the Revised Statutes, entitled "of excise;"

No. 193, A., a bill for an act to provide for special terms of the circuit court in the county of Trempeleau;

And,

No. 288, A., a bill for an act to amend section 25, of chapter 121, of the Revised Statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein;"

And herewith report the same back without recommendation.

L. HANCHETT, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of,

M. C. No. 2, S., for a daily mail route from the village of Lake Mills to the village of Jefferson, in the county of Jefferson, Wisconsin;

And,

No. 163, S., a bill for an act to amend chapter 252, of the Local laws of 1858, entitled "an act to amend an act to incorporate the city of La Crosse," approved March 14, 1856;

I am further directed to present to you for signature,

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices;"

No. 184, A., a bill for an act authorizing the commissioners of school lands to vacate a certain sale to Ephraim Cole;

No. 310, A., a bill for an act amendatory of and supplementary to an act entitled "an act to provide for the reassessment of certain taxes in the city of Racine, for the years 1856 to 1859, inclusive," approved February 10, 1860;

ASSEMBLY MESSAGE CONSIDERED.

No. 84, S., a bill for an act to confer powers upon the committee of Investigation into the financial affairs of the county of Dane;

With an amendment.

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The question occnrring on the adoption of the amendment,
The amendment was adopted,
And the bill as amended was passed.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No 36, A., a bill for an act to provide for the disposal and expenditure of the drainage fund in the county of Waushara;

No. 190, A., a bill for an act to permit the Bank of Beloit to reduce its capital stock.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 121, S., a bill for an act to authorize the Lumbermans' Bank to reduce its capital stock;

No. 122, S., a bill for an act to authorize t e Bank of Moneka to reduce its capital stock;

No. 126, S., a bill for an act to authorize the Northern Bank to reduce its capital stock;

On motion of Sen. Masters,

All rules were suspended in order to pass

No. 137, S., a bill for an act to authorize the commissioners of school and university lands to assign a certain mortgage;

The bill was then ordered to a third reading, read and passed.

On motion of Sen. Virgin,

The Senate went into

COMMITTEE OF THE WHOLE

On the general file.

Sen. A. I. Bennett in the chair;

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 30, A., a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named.

No. 160, A., a bill for an act to amend section 7, of chapter 133, of the Revised Statutes, entitled "of costs and fees."

No. 120, A., a bill for an act to incorporate the Eau Claire Manufacturing and Booming Co.

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No. 130, S., a bill for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Co.

No. 127, A., a bill for an act to reduce the capital stock of the Farmers & Millers Bank of Milwaukee.

No. 124, A., a bill for an act to permit the Dodge County Bank to reduce its capital stock.

No. 42, A., a bill for an act exempting certain university lands from taxation.

No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc.

No. 187, A., a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 18th, 1856.

No. 129, S., a bill for an act to amend sec. 9, of chap. 121, of the General Laws of 1859, entitled "an act for the more speedy and thorough collection of penalties, forfeitures and fines."

No. 142, S., a bill for an act to amend section 1, of chapter 104, of the General Laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of La Crosse county."

No. 101, A., a bill for an act to amend chapter 46, of General Laws of 1859, entitled "an act for the formation of Town Insurance Companies."

No. 75, A., a bill for an act for the relief of settlers on the 16th section, town 26, range 15, in Shawano county.

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled "of notaries public."

No. 148, S., a bill for an act to amend section 1, of chapter 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, in Grant county, to borrow money."

No. 146, S., a bill for an act to appropriate to Thomas L. Terry & Co., the sum of money therein named;

No. 145, S., a bill for an act to appropriate to Pease & Comstock the sum of money therein named;

No. 144, S., a bill for an act to appropriate to G. H. Wells the sum of money therein named;

With the recommendation that they do pass.

No. 251, A., a bill for an act to appropriate to Thomas B. Lacey the sum of $87 68;

With the recommendation of recommittal to committee on Claims.

No. 74, S., a bill for an act to repeal section 3, of chapter 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

And

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No. 80, A., a bill for an act to amend sections 1, 6 and 84, of chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

With the recommendation of indefinite postponement.

No. 74, A., a bill for an act authorizing the county board of Douglas county to lay out, establish and improve a road leading from Superior through unsettled portions of the State, and to appropriate money thereupon;

No. 7, S., a bill for an act to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceeding thereon;"

And

No. 115, S., a bill for an act to provide for carrying into effect chapter 210, of the General Laws of 1859, relative to town school libraries;

With amendments, and the recommendation to pass when so amended.

REPORT OF THE COMMITTEE OF THE WHOLE

Considered.

No. 67, S., a bill for an act to repeal chapter 157, of the Revised Statutes, entitled "actions against the State;"

With amendment.

The question occurring on the adoption of the amendment,

Sen. Washburn moved to postpone the consideration of the bill till to-morrow.

Withdrawn.

Sen. Hanchett moved to refer the bill to the committee on State Affairs, and

The motion prevailed.

No. 140, A., a bill for an act to change the time of holding terms of the circuit court, for the county of Dane;

Sen. Taylor moved to commit the bill to the Dane county delegation, and

The motion prevailed.

Sen. Gill moved that the Senate take a recess till three o'clock this afternoon,

Pending which,

On motion of Sen. Maxon,

The Senate adjourned.

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FRIDAY, FEBRUARY 24, 10 oclock A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Britton.
Reading of the journal of yesterday dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Worthington:
No. 99, S., petition of the citizens of the village of Waukesha, praying for an amendment to the village charter;
To committee on Incorporations.

By Senator Worthington:
No. 100, S., remonstrance of sundry citizens of Waukesha county against diverting the license money from the poor fund;
To committee on Finance.

By Senator Virgin:
No. 101, S., memorial of the commissioners for building the Wisconsin State Hospital for the Insane;

To the Senate of the State of Wisconsin:

The commissioners for building the "Wisconsin State Hospital for the Insane," respectfully represent that there are current such misapprehensions in regard to the plans of the Hospital buildings, and the action of the commissioners, as are likely to impair the usefulness of this institution, and that in the opinion of the commissioners, the recent report of the committee on Charitable and Religious Institutions is calculated to add to the misunderstanding of this subject.

We therefore wish to make a plain statement of facts in regard to the matter in question; but to take up no time in vindicating ourselves from the vague charges of extravagance and folly, which we are quite willing to leave to be settled without our help.

On examining the law under which we received our appointments, (chap. 64, sec. 6, General Laws of 1857,) we found that the expenditure for the Hospital buildings was limited to the sum of one hundred thousand ($100,000,) dollars; that we were required to examine any plans that might be in the state offices, or that might be submitted to us, and to select there-

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from, or cause to be prepared a complete set of plans and drawings for said hospital. One of the commissioners was authorized to visit the Michigan State Asylum, the New York State Asylum at Utica, and the Northampton Asylum, Mass., in order to obtain information in relation to the most approved modern improvements which are being introduced into similar institutions. We also found that the highest authority in relation to the construction of hospitals for the insane was to be found in a series of propositions on that subject, issued by the Association of Medical Superintendents of American Hospitals, and that in essential accordance with these propositions the hospitals referred to above had been planned and constructed.

It was the evident intention of the law, that we should be guided by these plans; and we should have been justly condemned, had we rejected all authority, and all experience, and attempted to get up some new and untried plan of our own.

We therefore examined with care the plans referred to, with many others, and directed a plan to be prepared which should be so modified that its cost would come within the limits fixed by law; and at the same time afford accommodations for as large a number of patients as possible, and embrace the modern improvements found in the institutions above mentioned.

This plan, prepared by S. V. Shipman, architect, consisted of a central building with two wings on each side, which after being submitted to professional gentlemen, familiar with the whole matter of hospital construction, was adopted by the commissioners as their plan, and is the only plan proposed to be built by them; and the only one referred to in each of their reports.

It is true the plan was so arranged as to admit of addition being made to it, readily and economically, from time to time as the necessities of the insane might require, and the resources of the State admit.

Believing that the building could be erected on this plan at a cost within the $100,000, proposals were received as required by law, and one bid proposed to erect the entire plan for $98,-900. But the commissioners fearing that the incidental expenses would carry the amount beyond the one hundred thousand dollars authorized by law, and wishing to show that they had no design to drag the State into a large expenditure, declined to accept this bid; but made a contract for the erection of the central building and wings on one side, entertaining no doubt but the Legislature would at the next session, authorize the erection of the wings on the west side, and so complete the plan by the commissioners.

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We reported to the Legislature accordingly; and without objection or opposition from any source, that we have ever heard of; after the matter had been fully submitted to, and passed the scrutiny of the several committees of the Legislature, appropriations have been made from year to year, and new duties imposed—new powers conferred upon the Commissioners, and they led to believe that their action did meet with the hearty, as well as the tacit approval of the Legislature and the people at large.

By the failure of the contractor, and the payment for some extra work, as detailed in our reports, the present building, contracted for at $73,500, has cost about $101,000, exclusive of the pay and expenses of the Commissioners. This we could not foresee.

The main objections urged against the plan adopted, are that the central building is too large, and that a wrong method of heating has been adopted.

We wish to explain somewhat particularly upon these points. The chief misapprehension seems to be in regard to the uses and design of the central building.

The committee speak of a "mansion, four stories in height—devoted mainly to the use and comfort of the officers and employees." This is a great mistake. Considerably more than one-half of the space in this part is necessarily occupied and used immediately and directly by the patients; and as the entire wings are given up wholly to patients, it necessarily follows that the domestics and employees must be accommodated in this building.

To the use of the officers, including the superintendent and family, the assistant physician, steward and matron—just six rooms are devoted in our plan; and we are confident that a careful examination will show that proportionably less room is given to officers, and more to patients, in the central part, than in that of any similar institution in the country.

It is also true that this central building is of smaller dimensions than that of any other public hospital which has been built in this country, within the last ten years, or the plans of any which we have had an opportunity of examining.

To show that the plan may not be so preposterous as is supposed, we would refer to the plan of the Western Pennsylvania Hospital for the Insane, now in course of construction, by that state, at Pittsburg. This state has already four large hospitals, and the whole subject of hospital building has received great attention, and is perhaps as well understood there as any where else.

The plan of that at Pittsburg, is nearly identical with ours,

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consisting of a central building and two wings on each side, but this central part is materially larger than ours.

There are also two hospitals in successful operation in the state of Ohio,—one at Dayton, the other at Newburg, near Cleveland,—both constructed on the same plan as ours, with a central building and two wings on each side; but in each of these cases, the central building is larger than in our plan.

In regard to the heating and ventilating apparatus, &c. By the law of 1859, (chapter 193, General Laws) the commissioners were "authorized and required to make a contract with some competent and responsible parties, on the best terms practicable, for the construction and fitting up of engine house, engine, heating, cooking, and ventilating apparatus, and for plumbing the main building and wings, *and all other work* necessary for putting said hospital in order for the introduction of furniture, and the reception of patients."

That we might be enabled to carry out the requirements of this law, we availed ourselves of the services of several gentlemen who were both theoretically and practically familiar with the subject of heating and ventilation, &c., and obtained what additional information we could, as to the plans proposed for this locality, and those in use in similar institutions. We also carefully examined the propositions of the association of medical superintendents, above mentioned, which had reference to this subject. They were as follows:

"Proposition 3d. Means should be provided to raise ten thousand gallons of water daily to reservoirs that will supply the highest part of the building."

"Proposition 17. The light should be gas, on account of its convenience, cleanliness, safety and economy."

"Proposition 18. The apartment for washing clothes, &c., should be detached from the hospital building"

"Proposition 20. All hospitals should be warmed by passing an abundance of pure fresh air from the external atmosphere over pipes or plates containing steam under a low pressure, or hot water, the temperature of which at the boiler does not exceed 212 degrees F. and placed in the basement or cellar of the building to be heated."

"Proposition 21. A complete system of forced ventilation, in connection with the heating, is indispensable to give purity to the air of a hospital for the insane; and no expense that is required to effect this object thoroughly, can be deemed either misplaced or injudicious."

"Proposition 22. The boilers for generating steam for warming should be in a detached structure, connected with which

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may be the engine for pumping water, driving the washing apparatus, and other machinery."

In strict conformity with these propositions and with the requirements of the law, we made a contract with Messrs. Morris, Tasker & Co., for this work, which is now nearly finished.

It will be noticed that this work formed no part of the buildings originally contracted for, but was done under the specific requirements of a recent act; and though the cost is very considerable, it can hardly be doubted that the apparatus will be found efficient and indispensable.

It is vain to attempt, in a brief statement of this kind, to describe or explain all the requirements of such an institution as a modern Hospital for the Insane, and we must limit ourselves to a few brief observations and assertions.

1st. The treatment of the Insane, and the building of Hospitals for them, has become a profession, and it is just as absurd to suppose that any given person can, in a few hours, master the subject, as to suppose that he could, in the same period of time, become a skillful lawyer or physician.

2d. The commissioners have given a considerable portion of their time, for the last three years, to the consideration of this subject, and although they may not be able to write eloquently about the insane, they insist that they do feel a deep interest in their welfare, and have tried to show it by their efforts to provide a suitable Hospital for their treatment and cure.

3d. The commissioners insist that instead of violating the "organic law," they took all reasonable precautions to abide strictly by the letter and spirit of the law; and while the cost of the building has, for the reasons before given, been considerably greater than was or could have been expected, the money has been faithfully and judiciously expended, and the State has received a full equivalent for the same.

4th. That if the plan adopted by the commissioners, and now partially erected, is not a proper and judicious one, it is the fault of those who have the management of the Insane Hospitals of this whole country, who unitedly agree that this plan is the only proper one to be adopted.

5th. It must be considered that a Hospital for the Insane is neither a poor-house or a prison; but a place where all the requirements are to be found for the successful treatment and cure of insanity; and where, under such treatment, a very large proportion do actually recover, and are restored to health and to society; and although these institutions are expensive, they are far cheaper than to have hundreds of our citizens wholly lost to themselves, and a charge to the State for want

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of the efficient means of treatment. That by far the most expensive portion of the plan adopted by the commissioners is now completed; and that an additional expenditure of $40,000, at the outside, will build the west wing, and thus complete the plan adopted by the commissioners, nearly doubling the present capacity of the institution, and giving accommodation for the treatment of at least one hundred and fifty patients.

In conclusion, we beg leave to suggest that the Hospital is now just about ready for the reception of patients; that within one month the work now in progress will be finished, and that before the present plan is condemned, it should be examined by competent and disinterested parties, who are so eminent in this special department as to make their decision conclusive; and that in the consideration of so important a matter, all prejudice should be laid aside, and all personal and political considerations disregarded.

All of which is respectfully submitted.

JOHN P. McGREGOR,
LEVI STERLING,
L. J. FARWELL,
Commissioners.

Referred to committee on Benevolent Institutions.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Gill:

No. 197, S., a bill for an act to amend chapter 22 of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

To Judiciary committee.

By Sen. Stewart:

No. 198, S., a bill for an act to amend an act to provide for disposing of the Drainage Fund, and the distribution of the interest thereof, approved April 30th, 1858.

By Sen. Masters:

No. 199, S. a bill for an act to amend chap. 151 of the Rev. Statutes, entitled of forcible entry and unlawful detainer;

To Judiciary committee.

By Sen. Worthington:

No. 200, S., a bill for an act to amend chap. 61, of the Rev. Statutes, "of the rate of interest;"

To committee on Finance.

By Sen. Maxon:

No. 201, S., a bill for an act prescribing the duties of County Surveyors in the subdivision of sections.

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On motion of Sen. Maxon,

Said bill was referred to a select committee of three.

The president appointed, Sen. Maxon, Hutchinson, and Worthington said committee.

By Sen. Decker:

No. 202, S., a bill for an act concerning a bridge pier at Kewaunee;

To committee on Roads, Bridges and Ferries.

By Sen. Seeley:

No. 203, S.. a bill for an act to define the boundaries of the Third and Ninth Judicial Circuits of this State;

To the Judiciary committee.

By Sen. Hutchinson:

No. 204, S., a bill for an act to create the Eleventh Judicial Circuit;

To the Judiciary committee.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington:

No. 53, S.,

Resolved, That when the Senate adjourns to-day, it adjourns to meet to-morrow morning at 9 o'clock;

Adopted.

By Sen. Thurbur:

No. 54, S.,

Resolved, That the employees of the Senate are hereby authorized to take papers at the expense of the State, as follows: The Assistant Clerk, and Assistant Sergeant-at-Arms and Post Master, each five dailies or their equivalent in weeklies, all other employees of the Senate, each two dailies or their equivalent in weeklies;

Laid over.

By Sen. Rodolf:

No. 55, S.,

Resolved, That one thousand copies of the memorial of the trustees of the Hospital for the Insane be printed for the use of the Senate;

Laid over.

By Sen. Stewart:

No. 56, S.,

WHEREAS, there is a seeming discrepancy between the cost of the annual supply of stationery in the years 1857 and 1858, respectively, as appears from the report of the Investigating committee;

Resolved, That said committee be instructed to inquire into and report whether the moneys appropriated for that purpose

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for those years, has been faithfully expended for the best interest of the State;

Adopted.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined, and find correctly enrolled, the following bills and memorials:

No. 56, S., a bill for an act to authorize the Mechanics' Bank, Green Lake, to remove to Whitewater, Walworth county;

No. 163, S., a bill for an act to amend chapter 252, of the Local Laws of 1858, entitled "an act to amend an act entitled an act to incorporate the city of La Crosse," approved March 14, 1856;

No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital stock;

No. 75, S., a bill for an act to amend chapter 205, of the General Laws of 1859, entitled "an act to repeal so much of chapter 28, of the Revised Statutes, as authorizes or directs the appraisal of the school or university lands," approved March 21st, 1859;

No. 84, S., a bill for an act to confer powers upon the committee of investigation into the financial affairs of the county of Dane;

No. 70, S., a bill for an act relating to the publication of legal notices;

No. 91, S., a bill for an act to amend subdivision 3, section 45, chapter 23, of the Revised Statutes, entitled of common schools;

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business;

Mem. No. 2, S., memorial to Congress for a daily mail route from the village of Lake Mills to the village of Jefferson, in the county of Jefferson, Wisconsin.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on this 24th inst. they presented to the Governor for his approval the following bills, viz.

No. 20, A., a bill for an act to amend chapter 3, of the General Laws of 1859, entitled "an act in relation to the publication of legal notices."

No. 184, A., a bill for an act authorizing the commissioners of school lands to vacate a certain sale to Ephraim Cole;

No. 310, A., a bill for an act amendatory of and supple-

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mental to an act entitled "an act to provide for the re-assessment of certain taxes in the city of Racine for the years 1856 to 1859 inclusive," approved Feb. 10, 1860.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assem. Com.*

The Special Committee to whom was referred bill
No. 140, A.,
Has had the same under consideration, and report the same back with amendments, and recommend its passage when amended. W. R. TAYLOR, *Ch'n.*

The special committee, to whom was referred,
No. 166, S.;
Have instructed me to report the same back with an amendment, and recommend its passage when so amended.
By order of the committee.

H. W. CURTIS, *Ch'n.*

The committee on engrossed bills have examined and compared the following bills, and find the same correctly engrossed, viz:

No. 59, S., a bill for an act to amend chapter 79 of the Revised Statutes, passed 1858, entitled Railroads.

No. 32, S., a bill for an act granting certain swamp and overflowed lands, to the counties of Crawford, Bad Ax and La Crosse.

C. COMSTOCK, *Ch'n.*

The committee on Town and County Organization to whom was referred

No. 63, A., a bill for an act to change the boundaries of the counties of Marathon, Shawanaw and Oconto;

Have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it pass.

N. H. VIRGIN, *Ch'n.*

The committee on Benevolent Institutions to whom was referred

No. 164, S.

Have had the same under consideration, and report back with one amendment, and when so amended recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on the Judiciary have had under consideration

No. 14, A., a bill for an act to authorize persons having a lien upon land to pay the taxes upon the same;

Which was recommitted to said committee with instructions, and herewith submit the following report:

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The proposed amendment is a distinct proposition of a nature entirely different from the subject matter of said bill, rendering it improper to incorporate in said bill a provision of the kind proposed.

Your committee therefore report said bill back, asking further instructions.

L. HANCHETT, *Ch'n.*

The committee on Judiciary, to whom was referred,

No. 57, S., a bill authorizing the city of Hudson to issue bonds;

And

No. 35, A., a bill for an act to change the name of Lucy Bell, and to establish her guardianship and heirship,

Have considered said bills, and herewith report the same back with amendments, recommending their passage when so amended.

Also,

No. 30, S., a bill for an act to provide for the service of process on non-resident defendants in certain cases.

Which is herewith reported back without recommendation.

L. HANCHETT.

The Railroad committee to whom was referred:

No. 85, A., a bill for an act to amend chap. 91, of the laws of 1858, entitled an act to provide for the protection of stockholders of railroad corporations,

Have had the same under consideration, and recommend its passage.

Also,

No. 123, S., a bill for an act to repeal chap. 48 of the Gen. Laws of 1858, entitled an act to amend section 5, of chapter 121, of the General Laws of 1856, concerning railroads,

Has been considered, and passage recommended.

Also,

No. 156, S., a bill for an act to amend sections 8 and 16 of chapter 340, of the Private and Local Laws of 1856, concerning the Arena and Dubuque Railroad company.

The same has been considered and its passage recommended.

Also,

No. 168, S., a bill for an act to repeal sections 1, 2, 3, 4, 5, 6 and 7, of chapter 79, of the Revised Statutes, entitled of railroads.

The same has been considered and passage recommended.

E. L. PHIILLPS, *Ch'n*

The committee on Incorporations, to whom

Bill No. 36, A., entitled a bill for an act to incorporate the Workman's Relief Association, of the city of Watertown;

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Was re-committed, with instructions "to report a bill incorporatiug in *the* general law, the objects sought to be attained by this bill, as far as they may deem it expedient;" have had the said bill, together with the aforesaid instructions, under consideration, and hereby report, that they are not advised *what* general law is referred to in the aforesaid instructions; neither are they aware of the existence of any general law which could properly be so amended as to meet the purposes and requirements of the bill under consideration.

Your committee therefore report the said bill and instructions back to the Senate, for such action as may be deemed proper in the premises.

M. W. SEELY, *Ch'n.*

Sen. Curtis moved to suspend all rules in order to place upon their passage bills

Nos. 166, S., and 140, A., with amendments to each bill;

The question occurring on the adoption of the amendments of said bill

No. 140, A.,

The amendments were adopted, and

The bill as amended was ordered to a third reading, and read;

The question occurring on the adoption of the amendments of said bill

No. 166, S.,

The amendment was adopted, and

The bill was then ordered to a third reading;

Read and passed.

On the passage of the bill the ayes and noes were called for,

And the bill was passed—ayes 17, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington —17.

Those who voted in the negative were

Senators Decker, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Taylor and Thurbur—10.

COMMUNICATION.

OFFICE OF SUPERINTENDENT OF PUBLIC PROPERTY,
MADISON, Feb. 22, 1860.

To the Honorable President of the Senate:

SIR: In answer to your resolution of February 16th, 1860, I have to report that, since the first day of October last, I

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have received the number and kinds of Reports as follows, to wit:

5,000 copies of the Bank Comptroller's report;
5,000 copies of the State Treasurers's report;
5,000 copies of the Secretary of State's report;
5,000 copies of the Institute for the Deaf and Dumb;
5,000 copies of the Supt. of Public Instruction;
296 copies of the House of Refuge;
700 copies of the Com. of S. and U. Lands;
1,350 copies of the Adjt. General's report;
1,0578 copies of the Hospital for the Insane;
2,557 copies of the State Historical Collections;
3,858 copies of the Institute for Blind report;
9 4 copies of the Governor's Message;
560 copies of the State Prison Com's report.

I am, very respectfully,

Your obedient servant,

RUFUS PARKS,
Supt. Pub. Property.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof:

MR. PRESIDENT:

I am directed to inform you that the Assemby has passed

No. 143, A., a bill for an act restoring Levi B. Hannan to citizenship;

No. 183, A., a bill for an act relating to the estate of T. J. Vander Brock;

No. 278, A., a bill for an act to amend section 28, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial and judgments in civil actions;"

No. 108, A., a bill for an act to amend chapter 43, of the Revised Statutes, entitled "of strays, and lost money and goods;"

No. 238, A., a bill for an act relating to the support of the poor, in counties where the distinction between county and town poor exists;

No. 44, A., a bill for an act to repeal chapter 210, of the General Laws of 1859, entitled "an act to provide a permanent school library fund;"

No. 99, A., a bill for an act to amend sections 35 and 46, of chapter 2, of the Revised Statutes, entitled "of the division of the State into counties, and their boundaries;"

No. 317, A., a bill for an act to appropriate to Church & Hawley the sum of $198 61;

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No. 345, A., a bill for an act to amend an act entitled an act to incorporate Mineral Point Seminary;

No. 346, A., a bill for an act to amend an act entitled "an act to incorporate the city of Madison," and the several acts amendatory thereto;

And ask the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;

No. 153, S., a bill for an act to appropriate to A. L. Burke the sum of $264 20;

No. 187, S., a bill for an act to extend the time for the collection of the State and county taxes in the city of Janesville;

Amended, and concurred in as amended.

I am further directed to present to you for signature:

No. 89, A., an act releasing the directors of Star Rifle company of Oshkosh, Winnebago county, from the obligation of a certain bond.

No. 100 A., an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

No. 133, A., an act to appropriate to Chauncey Abbott the sum of two hundred dollars.

No. 158, A., an act to amend chapter 222 of the Session Laws of 1859, entitled "an act to change name of Amanda Louisa Crumb to Amanda Louisa Brand."

No. 249, A., an act to appropriate to C. V. N. Kittredge the sum of one hundred and eighty-eight dollars and sixty-one cents.

No. 36, A., an act to provide for the disposal and expenditure of the Drainage Fund in the county of Waushara.

No. 190, A., an act to permit the Bank of Beloit to reduce its capital stock.

No. 101, S., an act to amend chapter 263 of the Private and Local Laws of 1857, entitled "an act to incorporate the Muscoda and Richland Bridge company."

No. 78, S., an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door.

Which have been signed by the Speaker.

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ASSEMBLY MESSAGE CONSIDERED.

The following bills were severally read first and second times and referred as follows:

Nos. 99, 108, 143, 183, 238 and 278 A.,
To Judiciary Committee.
No. 44, A.,
To Education, School and University Lands.
No. 346, A.,
To Committee on Incorporations.
No. 317, A.,
To General file.
On motion of Senator Rodolf,
All rules were suspended in order to pass bill
No. 345, A., and
The bill was ordered to a third reading, read, and
The passage of the bill was concurred in.
On motion of Senator Burdick,
All rules were suspended in order to pass bill
No. 187, S.,
With amendment.
The amendment was concurred in, and
The bill ordered to a third reading,
Read and passed.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof.

Mr. President—

I am directed to present to you for signature

No. 56, S., a bill for an act to authorize the Mechanic's Bank of Green Lake to remove to the village of Whitewater, Walworth county;

No. 70, S., a bill for an act relating to the publication of legal notices;

No. 75, S., a bill for an act to amend chapter 205, of the General Laws of 1859, entitled "an act to repeal so much of chapter 28, of the Revised Statutes," as authorizes or directs the appraisal of the School or University lands, approved March 21st, 1859;

No. 84, S., a bill for an act to confer powers upon the committee of Investigation into the financial affairs of the county of Dane;

No. 91, S., a bill for an act to amend sub-division 3, section 45, chapter 23, of Revised Statutes, entitled "of common schools;"

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No. 94, S., a bill for an act to authorize the Oakwood Bank to reduce its capital stock;

No. 103, S., a bill for an act to authorize the Green Bay Bank to reduce its capital and remove its place of business;

No. 163, S., a bill for an act to amend chapter 252, of the Local Laws of 1858, entitled "an act to amend an act entitled an act to incorporate the city of LaCrosse, approved March 14th, 1856;"

And

M. C. No. 2, S., Memorial to Congress for a daily mail route from the village of Lake Mills to the village of Jefferson, in the county of Jefferson, Wisconsin.

Which have been signed by the Speaker.

BILLS READY FOR A THIRD READING.

No. 32, S., a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax, and La Crosse;

Was read a third time, and the passage concurred in.

BILLS READY FOR A THIRD READING.

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled "railroads;"

Was read a third time and passed.

REPORT OF THE COMMITTEE OF THE WHOL

Considered.

No. 74, S., a bill for an act to repeal section 3, of chapter 120, of the Revised Statutes, entitled "of courts held by justices of the peace;"

And

No. 80, A., a bill for an act to amend sections 1, 6 and 84, of chapter 19, of the Revised Statutes, entitled of "highways and bridges;"

Were indefinitely postponed.

No. 27, S., a bill for an act to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error and proceedings thereon;"

With an amendment.

Sen. Maxon moved to further amend, by inserting after the word "judgment," in the tenth line of section 1, the words "for costs;"

The motion was lost.

The amendment of the committee of the Whole, was then adopted,

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And the bill as amended

Was ordered engrossed for a third reading.

No. 74, A., a bill for an act authorizing the county board of Douglas county to lay out, establish and improve a road leading from Superior through unsettled portions of the State, and to appropriate money thereupon;

With an amendment.

Sen. Hutchinson moved to amend the amendment by adding the following:

"Provided further, that the State shall, in no event, be liable for any services or expenses contemplated or authorized by this act."

The motion prevailed.

The amendment as amended was adopted;

And the bill as amended was ordered to a third reading.

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled "of notaries public;"

Was, on motion of Sen. Stewart,

Committed to the Judiciary Committee.

No. 42, A., a bill for an act exempting certain university lands from taxation;

Was, on motion of Sen. Hutchinson,

Recommitted to the committee on Education, School and University Lands.

No. 146, S., a bill for an act to appropriate to Thomas L. Terry & Co., the sum of money therein named;

No. 145, S., a bill for an act to appropriate to Pease & Comstock the sum of money therein named;

No. 144, S., a bill for an act to appropriate to G. H. Wells the sum of money therein named;

Were, with unanimous consent, withdrawn by Sen. Burdick.

No. 25, A., a bill for an act to appropriate to Thomas B. Lacey the sum of $87 68;

Was, on motion of Sen. Burdick,

Recommitted to the committee on Claims.

No. 130, S., a bill for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Co.;"

No. 148, S., a bill for an act to amend sec. 1, of chap. 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, in Grant county, to borrow money;"

No. 129, S., a bill for an act to amend sec. 9, of chap. 121, of the General Laws of 1859, entitled "an act for the more speedy and thorough collection of penalties, forfeitures and fines;"

No. 142, S., a bill for an act to amend sec. 1, of chap. 104,

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of the General Laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of La Crosse county;"

Were ordered engrossed for a third reading.

No. 127, A., a bill for an act to reduce the capital stock of the Farmers & Millers Bank of Milwaukee;

No. 124, A., a bill for an act to permit the Dodge County Bank to reduce its capital stock;

No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc;

No. 101, A., a bill for an act to amend chapter 46, of General Laws of 1859, entitled "an act for the formation of Town Insurance Companies;"

No. 75, A., a bill for an act for the relief of settlers on the 16th section, town 26, range 15, in Shawano county;

No. 187, A., a bill for an act to amend setion 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 18, 1856;

No. 30, A., a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named;

No. 160, A., a bill for an act to amend section 7, of chapter 133, of the Revised Statutes, entitled "of costs and fees;"

No. 120, A., a bill for an act to incorporate the Eau Claire Manufacturing and Booming Company;

Were ordered to a third reading.

On motion,

The Senate took a recess till half-past 7 o'clock this evening.

Half-past 7 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

SPECIAL ORDER.

J. Res. No. 6, S.,

Joint Resolution in relation to riots at Harper's Ferry;

Together with a substitute reported by a majority of the committee on Federal Relations, and

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The report of the minority of said committee;

Which were made the special order for this evening,

Were taken up and considered.

Sen. Simpson moved the adoption of the minority report;

Ruled out of order.

The question occurring on the adoption of the substitute;

Sen. Simpson moved to amend so as to adopt the minority report instead of the substitute;

Ruled out of order.

Sen. Maxon raised a point of order, as follows:

"The substitute is not in order because it is an independent and entire proposition, containing a preamble and resolving clause; it is an amendment, by substitute, to Joint Resolution No. 6, and does not preserve the enacting clause, as required by rule 60, of the Senate;"

The chair decided that the substitute reported by the majority of the committee on Federal Relations is in order, and that the resolving clause is retained as provided by rule 60 of the Senate.

The preamble is no part of the resolving clause, and that the committee is competent to introduce new matter germain to the subject of the original resolutions or modify the language of the same.

Sen. Gill moved to amend by striking out of the substitute all after the resolving clause, and putting in place thereof, all of the original resolution, after the enacting clause thereof;

Ruled out of order.

Sen. Gill moved to recommit to the committee on Federal Relations with instructions to report in their stead the original resolutions.

On this motion the ayes and noes were called for, and

The motion was lost—ayes 11, noes 17.

Those who voted in the affirmative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Taylor and Thurbur—11.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington —17.

Sen. Rodolf moved to amend by striking out of the substitute all after the resolving clause, and place instead thereof the following:

"That we as citizens of the United States, and citizens of the State of Wisconsin, do hereby acknowledge the jurisdiction of the Supreme Court of the United States as the highest

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tribunal of this Union, on all controversies between citizens of different States, and hereby endorse the decision lately made in this State by Chief Justice Dixon in case of Ableman against Booth."

Sen. Davis called for a division of the question.

The question occurring on the motion to strike out of the substitute all after the resolving clause;

The motion was lost.

Sen. Rodolf moved to amend the substitute by inserting between the second and third resolutions thereof his amendment just lost.

On this motion the ayes and noes were called for, and

The motion was lost—ayes 11, noes 17.

Those who voted in the affirmative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Taylor and Thurbur—11.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington —17.

Sen. Maxon moved to amend the substitute by adding the following, to stand between the third and fourth resolutions thereof:

Resolved, That the breaking of the Milwaukee jail, in 1854, by a body of armed men headed by Sherman M. Booth, for the purpose of releasing Joshua Glover from imprisonment, was a reckless violation of the laws of the United States and of the State of Wisconsin, and deserves the most unqualified condemnation of every law-abiding citizen and lover of the Union;

Pending which,

Sen. A. I. Bennett moved to amend the proposed amendment of Sen. Maxon by striking out all after the resolving clause thereof, and

The motion prevailed.

The question recurring on the adoption of the substitute reported by the committee on Federal Relations.

Sen. Simpson moved to amend the substitute as follows:

Amend second resolution by inserting after the word "exists," as follows: "And the prohibition or exclusion thereof in the territories of the United States by Congressional enactments;"

The ayes and noes being called for,

The motion was lost—ayes 4, noes 24.

Those who voted in the affirmative were

Senators Decker, Eagan, Hilgen and Thurbur—4.

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Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Virgin, Washburn and Worthington —24.

Sen. Gill moved to amend the substitute by "striking out of the third resolution all that relates to the robbery of 1855;"

Pending which,

Sen. Worthington moved that the further consideration of the subject be postponed till one week from next Tuesday evening.

Withdrawn.

The question again occurring on Sen. Gill's amendment,

Sen. Curtis moved that the further consideration of the subject be postponed till one week from next Tuesday evening, at 7 o'clock, and be made the special order for that time,

And the motion prevailed.

On motion of Sen. Eagan,

The Senate adjourned till to-morrow morning at 9 o'clock.

SATURDAY, FEBRUARY 25, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Roll called, and quorum present.

Reading of the journal of yesterday, dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Seeley:

No. 102, S., petition of 185 citizens of Berlin, asking for a division of the first ward, and the creation of a fifth ward in said city;

To Judiciary committee.

By Sen Comstock:

No. 103, S., remonstrance of John B. Vliet, and Wm. Vliet against the repeal of the Kilbourn City dam charter;

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To the Honorable the Legislature of the State of Wisconsin:

The memorial of the undersigned, John B. Vliet and Wm. Vliet, respectfully sheweth:

That your memorialists have received information that application has been made to, and certain measures are pending before your honorable body, having for their object, the repeal of the charter of the Wisconsin River Hydraulic Company, the removal of its dam, and the destruction of its works.

Your memorialists would respectfully remonstrate against any such action on the part of your honorable body, or any act whereby the rights, franchises, and privileges of the company may be affected or their property destroyed; and while protesting that the vested rights of your memorialists cannot be affected by Legislative acts, beg, respectfully, to submit the following reasons why such action should not be had by the Legislature:

The undersigned memorialist, John B. Vliet, formerly, and from the organization of said company, until the 20th day of April, 1858, acted as president and general agent of said company, and as such president and general agent, he made sundry purchases and investments, for the benefit of said company, in carrying out the purposes of their incorporation, for which he gave his own individual obligations; the balance of which obligations amounted, on the 20th day of April, A. D. 1858, to $18,209 54 and interest, as aforesaid, and to secure the payment of the various sums named in said bond, as above recited, said company gave your memorialists a mortgage on their dam erected or to be erected, and on the grounds suited to the purpose of mills and machinery connected with said dam, on each side of the Wisconsin river.

That on the 9th day of March, A. D. 1859, your memorialist, John B. Vliet, assigned to your memorialist, William Vliet, an interest in said bond and mortgage.

Now your memorialist first named, at the time of taking this security, considered it ample for the security of said obligations on the part of said company, and presumes it will still be if they are not deprived of their rights and property.

The company have hitherto utterly neglected, or been unable, to pay the obligations above named, either that due in money to your memorialists, or that due to other parties holding the obligation of your memorialist John B. Vliet, and damage has already accrued under the indemnity clause of said bond to the amount of about $10,600; and your memorialists have good reason to believe that no part of the payments named in said bond will be made by said company, but that collection of the same will have to be made by process of law.

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Now your memorialists would respectfully represent that the action proposed to be taken by your honorable body would not only take away from said company the ability to pay said obligations, but would utterly destroy the value of the property by which said obligations are secured, and any action of your honorable body interfering with the rights of property and franchises of said company, would be a great damage to your memorialists; and although your memorialists are aware that private property cannot be taken for public uses without just compensation, nor vested rights interfered with by legislative act, yet they feel anxious that no such action should be taken by the Legislature as to give rise to those perplexing questions which such a state of things would create.

From information which they have received, they are satisfied that the company have made arrangements by which the slide at the dam will be immediately repaired and improved in such a manner as to afford no cause of complaint whatever on the part of the public; and in addition, that the company, in a short time, will be able to effect the public objects of their incorporation, namely: the improvement of the navigation of the Wisconsin river, and the cultivation of industrial interests by the application of the water to manufacturing purposes, all which objects would be defeated by an act of your honorable body, repealing the act of corporation and destroying the work already accomplished by the company.

Your memorialists would ask it to be borne in mind, that financial matters have, for the last two years, been in a state of great derangement, and capitalists have been unwilling to invest their money in any enterprise in the west, however certain the results might be, and this company, like all others, have suffered from the total destruction of financial confidence.

This state of thing, however, your memorialits are certain, is not to be continued long, and the time will come, and as they verily believe, soon, that the persons who are now seeking to destroy this corporation and its works, will regret that they ever made any such movement.

Your memorialists therefore pray your honorable body to reject all applications of the character indicated, which may have been made to you at the present session of the Legislature.

JOHN B. VLIET.
WM. VLIET.

Dated, Milwaukee, February 23d, 1860.
To committee on Incorporations.

By Sen. Burdick:

No. 104, S., remonstrance of a convention of the 5th As-

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sembly district, of Rock County, against a change in county government;

To select committee on County Government.

By Sen. Hutchinson:

No. 105, S., petition of citizens of sixth judicial circuit, to divide the same, and create the 11th judicial circuit;

To committee on Judiciary.

By Sen. Hutchinson:

No. 106, S., petition of citizens of Bad Ax County, for the creation of the 11th judicial circuit;

To committee on Judiciary.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Comstock:

Res. No. 57, S.,

Resolved, That when the Senate adjourn this day, it adjourns to meet again on Monday at 4 o'clock, P. M.

Adopted.

Jt. Res. No. 13, S.,

Relative to State Hospital for the Insane, which was introduced on the 20th inst., and laid over till to-day,

Was taken up, and

On motion of Senator Hutchinson, was re-committed to the committee on Benevolent Institutions.

Res. No. 55, S.,

Resolved, That one thousand copies of the memorial of the trustees of the Hospital for the Insane, be printed for the use of the Senate.

Which was introduced yesterday and laid over.

Sen. Simpson moved that the consideration of the resolution be indefinately postponed;

Lost.

The question occurring on the adoption of the resolution,

The resolution was adopted.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Washburn:

No. 205, S., a bill for an act to amend chap. 19, of the Rev. Statutes, entitled "of highways and bridges."

Committee on Roads, Bridges and Ferries.

By Sen. Gill:

No. 206, S., a bill for an act to authorize the Bank of Watertown to reduce its capital stock.

To committee on Banks and Banking.

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By committee on Claims:

No. 207, S., a bill for an act to appropriate to L. P. Harvey the sum of $446 75;

To committee on Claims.

By Judiciary committee:

No. 208, S., a bill for an act to amend section 112, of chapter 15, of the Revised Statutes, entitled "of towns and town officers;"

To general file.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills report that they have examined the following bills and find them correctly engrossed, viz:

No. 166, S., an act to amend section 52, of chapter 28 of the Revised Statutes, entitled "of the school and university lands."

No. 148, S., a bill for an act to amend section 1, of chapter 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Plattville, in Grant county, to borrow money."

No. 27, S., a bill to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings therein."

C. COMSTOCK, *Ch'n.*

The Railroad committee, to whom was referred bill

No. 136, S., for an act to amend an act entitled "an act authorizing the consolidation of the Wisconsin and Minnesota Railroad Company and the Fox Lake and Wisconsin River Railroad Company;

Have had the same under consideration and directed me to report that it would be inexpedient to pass the bill.

E. L. PHILLIS, *Ch'n.*

The joint committee on Enrolled Bills report that on the 25th inst. they presented to the Governor, for his approval, the following bills, viz:

No. 249, A., for an act to appropriate to C. V. N. Kittredge the sum of one hundred and eighty-eight dollars and sixty one cents;

No. 190, A., for an act to permit the Bank of Beloit to reduce its capital stock;

No. 158, A., for an act to amend chapter 222, of the session laws of 1859, entitled an act to change the name of Amanda Louisa Crumb to Amanda Louisa Brond;"

No. 133, A., a bill for an act to appropriate to Chauncey Abbott the sum of $200;

No. 89, A., a bill for an act releasing the directors of the

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Star Rifle Company, of Oshkosh, Winnebago county, from the obligation of a certain bond;

No. 100, A., for an act to amend chapter 22, of the General Laws of 1859, entitled an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;

No. 36, A., for an act to provide for the disposal and expenditure of the drainage fund in the county of Waushara;

No. 91, S., for an act to amend subdivision 3, section 45, chapter 23, of Revised Statutes, entitled "of common schools;"

No. 94, S., for an act to authorize the Oakwood Bank to reduce its capital stock;

No. 103, S., for an act to authorize the Green Bay Bank to reduce it capital, and remove its place of business;

No. 101, S., for an act to amend chapter 263, of the Private and Local Laws of 1857, entitled an act to incorporate the Muscoda and Richland Bridge Company;

No. 163, S., for an act to amend chapter 252, of the Local Laws of 1858, entitled "an act to amend an act entitled an act to incorporathe city of La Crosse," approved March 14th, 1856;

No. 75, S., for an act to amend chapter 205, of the General Laws of 1859, entitled "an act to repeal so much of chapter 28, of the Revised Statutes as authorizes or directs the appraisal of the school and university lands," approved March 21, 1859;

No. 78, S., for an act to cede jurisdiction to the United States over certain tracts of land in the counties of Brown, Kewaunee, Oconto and Door;

No. 84, S., for an act to confer powers upon the committee of investigation into the financial affairs of the county of Dane;

No. 70, S., for an act relating to the publication of legal notices;

No. 56, S., for an act to authorize the Mechanic's Bank, Green Lake, to remove to the village of Whitewater, Walworth county;

M. C. No. 2, S., a memorial to Congress for a daily mail route from the village of Lake Mills to the village of Jefferson, in the county of Jefferson, Wisconsin.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Judiciary, to whom were referred

No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin Reports;

No. 138, A., a bill for an act to restore William Greeno to citizenship;

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And

No. 234, A., a bill for an act in relation to costs on appeals from the board of supervisors;

Have had said bills under consideration, and herewith report the same back, with the recommendation that they severally do pass.

Said committee have also had under consideration

No. 55, S., a bill for an act to establish an official newspaper;

And

No. 180, S., a bill for an act to amend an act entitled "an act to annex certain territory to the town of Hudson;

And herewith report said bills back with amendments, recommending their passage when so amended.

Said committee have also had under consideration

No. 160, S., a bill for an act to amend section 19, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings thereon;"

No. 170, S., a bill for an act to amend section 33, of chapter 133, of the Revised Statutes, entitled "fees of jurors;"

And

No. 174, S., a bill for an act to amend chapter 174, of the Revised Statutes, relatives to fugitives from justice;

And herewith report said bills back, with the recommendation that they be severally indefinitely postponed.

Said committee have also considered

No. 77, S., petition of William Scott and 75 other citizens and tax-payers of Columbia county, for a law fixing the compensation of town officers at one dollar per day;

And herewith report the same back by bill, without recommendation.

Also,

No. 147, S., a bill for an act to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto;"

And report the same back, recommending its passage.

HANCHETT, *Ch'n.*

The committee on Claims, to whom was referred the report of L. P. Harvey, agent, commissioned to purchase stationery for the use of the State;

Have had the same under consideration, and report it back by bill,

No. —, S., a bill for an act to appropriate to L. P. Harvey the sum of $446 75;

And recommend said bill do pass.

BURDICK, *Ch'n.*

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The committee on Incorporations to whom was referred,

No. 346, A., a bill for an act entitled "an act to amend act to incorporate the city of Madison," and the several amendatory thereto;

Have had the same under consideration, and report it b to the Senate, and recommend its passage.

SEELEY, *Ch'n*

Senator A. I. Bennett, asked leave of absence till Mon next;

Granted.

Senator Washburn, ashed leave of absence till Monday n

Granted.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time passed.

No. 142, S., a bill for an act to amend section 1, of ch ter 104, of the General Laws of 1859, entitled "an act to large the civil jurisdiction of the county court of La Cr county;"

No. 148, S., a bill for an act to amend section 1, of cha 51, of the Private and Local Laws of 1858, entitled "an to authorize school district No. 5, in the town of Plattev in Grant county, to borrow money;"

Sen. Rodolf moved to indefinitely postpone,

No. 27, S., a bill for an act to amend section 26, of chap 139, of the Revised Statutes, entitled "of appeals and w of error and proceedings thereon;"

The ayes and noes were called for,

And the motion was lost—ayes 10, noes 16.

Those who voted in the affirmative were

Senators Bartlett, Burdick, Cox, Curtis, Davis, Fratt, gen, Rodolf, Virgin and Worthington—10.

Those voted in the negative were,

Senators A. I. Bennett, G. Bennett, Comstock, Dec Eagan, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, P lips, Seely, Simpson, Stewart, Taylor and Washburn—16

The question occurring on the passage of the bill,

The ayes and noes were called for,

And the bill was passed—ayes 15, noes 11.

Those who voted in the affirmative were

Senators G.Bennett, Comstock, Davis, Decker, Eagan, G Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, See Simpson, Taylor and Washburn—15.

Those who voted in the negative were,

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Senators Bartlett, A. I. Bennett, Burdick, Cox, Curtis, Fratt, Hilgen, Rodolf, Stewart, Virgin, and Worthington—11.

The question occurring on the passage of,

No. 129, S., a bill for an act to amend section 9, of chapter 121, of the General Laws of 1859, entitled "an act for the more speedy and thorough collection of penalties, forfeitures and fines;"

The Senate refused to pass the bill.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 74, A., a bill for an act authorizing the county board of Douglas county to lay out, establish and improve a road leading from Superior through unsettled portions of the State, and to appropriate money thereupon;

No. 75, A., a bill for an act for the relief of settlers on the 16th section, town 26, range 15, in Shawano county;

No. 187, A., a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 18, 1856;

No. 30, A., a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named;

No. 120, A., a bill for an act to incorporate the Eau Claire Manufacturing and Booming Company;

No. 127, A., a bill for an act to reduce the capital stock of the Farmers and Millers Bank of Milwaukee;

No. 124, A. a bill for an act to permit the Dodge County Bank to reduce its capital stock;

No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc;

No. 101, A., a bill for an act to amend chapter 46, of General Laws of 1859, entitled "an act for the formation of Town Insurance Companies;"

The question occurring on concurring in the passage of bill.

No. 160, A., a bill for an act to amend section 7, of chapter 133, of the Revised Statutes, entitled of "costs and fees."

The ayes and noes were called for.

Those who voted in the affirmative were,

Senators Comstock, Fratt, Gill, Hilgen, Masters, Phillips, Rodolf, Seeley, Simpson, Taylor, Virgin and Washburn—12.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox,

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Curtis, Davis, Eagan, Hotchkiss, Hutchinson, Stewart a
Worthington—12.

The President voting in the negative;

The Senate refused to concur in the passage of the bill.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concu
red in the Senate amendment to

No. 82, A., a bill for an act to amend section 1, of chapt
266, of the Private Laws of 1855, entitled "an act to ame
an act entitled an act to amend an act to incorporate the F
Winnebago, Baraboo Valley and Minnesota Railroad Co
pany;"

Also in the passage of

J. Res. No. 14, S., for the appointment of a joint committ
on the geological survey;

Messrs. Cobb, Seaton and Whittlesey appointed on the p
of the Assembly.

I am further directed to inform you that the Assembly h
adopted the report of the committee conference on

No. 48, S., a bill for an act to amend an act entitled "
act to prevent the sale of unripe cranberries," approved Mar
17th, 1859;

And has receded from its amendment to said bill.

I am further directed to inform you, that the Assembly h
passed

No. 258, A., a bill for an act to repeal chapter 46, of t
General Laws of 1860, entitled "an act to extend the time f
collection of taxes in the town of Freedom, in the county
Outagamie;"

No. 335, A., a bill for an act to enable the corporation
the village of Sparta to construct sidewalks and otherwise i
rove the streets of said village;

No. 211, A., a bill for an act to authorize the county
Brown to aid in the construction of the Green Bay and Ma
son Railroad;

No. 214, A., a bill for an act to amend sections 1 and 2,
chapter 89, of the General Laws of 1859, entitled "an act
revent unauthorized purchases in behalf of the State;"

No. 274, A., a bill for an act to amend section 87, chapt
13, of the Revised Statutes, entitled "of counties and coun
officers;"

No. 305, A., a bill for an act to amend an act, entitled "

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act to incorporate the United States Insurance Company," approved April 30th, 1854;

No. 306, A., a bill for an act for the relief of Sheboygan county;

And

No. 340, A., a bill for an act to extend the time for collecting taxes in the town and city of Ripon;

And asks the concurrence of the Senate in the same.

MESSAGE.

To the Honorable, the Legislature of the State of Wisconsin:

The undersigned, duly appointed and commissioned by the Governor of Wisconsin, agent to purchase stationery for the use of the State for the year 1859, as required to do by section 5, of chapter 27, of Revised Statutes, respectfully reports the amount of stationery by him purchased during the last preceding year, and of whom all such stationery was purchased, as follows:

Of Phillips, Sampson & Co., Boston, Mass., Inv. Inkstands,.....	160 63
Harthoms & Trumbull, Worcester, Mass., Inv. Envelopes,.....	173 14
LeRoy W. Fairchild, New York City, Inv. Pens,.....	637 75
Thadeus W. Davids & Co., New York City, inv. Inks, Mucilage, &c.,	70 31
Samuel Raynor, New York City, Inv. Envelopes,.....	223 90
Carson Brothers & Co., Dalton, Mass., Inv. Paper,.....	1,013 62
H. G. Norton, New York City, Inv. Rubber Goods,.....	257 90
Wm. W. Rose,. ..do....do...Inv. Sundries,.....	1,705 00
Kingman & Hassam, Boston, Inv. Knives,.....	4 50
	4,246 75
Add for salary of Agent,.	200 00
	4,446 75
The amount of cash paid on such Stationery is the amount of appropriation by Legislature, to-wit:.....	4,000 00
Leaving amount purchased on credit,.....	446 75

Which is due to the following named persons, to-wit:

To Carson Brothers & Co., Dalton, Mass., on purchase of paper,.....	213 62	
To Wm. W. Rose, New York City, on Invoice "Sundries,"..	233 13	
		446 75

STATE OF WISCONSIN, } ss.
County of Dane.

L. P. Harvey, being first duly sworn, on oath, says, that he, as agent for the State of Wisconsin, purchased the State Stationery, after examining the stocks of not less than six wholesale stationer stores for the purpose of making such purchase. And receiving and examining six different proposals for furnishing the same; that each invoice in the foregoing list of purchases was purchased of the lowest bidder for furnishing

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the articles therein named, and that he, the said Harvey, has not, either directly or indirectly, received any bribe, present or consideration of any kind for purchasing any of such stationery, except the compensation authorized by section 5, of chapter 27, of the Revised Statutes. And further deponent saith not.

L. P. HARVEY,
State Agent for purchase of Stationery.

Subscribed and sworn before me this 18th day of February, A. D. 1860.

EDWARD ILSLEY, *Notary Public, Dane Co.*

Referred to committee on Claims.

Sen. Eagan and Masters asked leave of absence till Monday next.

Granted.

Sen. Hutchinson moved that Senate do now adjourn.

Withdrawn.

Sen. Curtis moved that the Senate do now adjourn.

The ayes and noes were called for and

The motion was lost; ayes 4 noes 16.

Those who voted in the affirmative were

Senators Comstock, Curtis, Masters and Seeley—4.

Those who voted in the negative were:

Senators Bartlett, G. Bennett, Burdick, Cox, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Phillips, Rodolf, Simpson, Stewart, Taylor, Virgin and Worthington—16.

Sen. Curtis, Masters and Stewart asked leave of absence till Monday next. Granted.

On motion of Senator Virgin, all rules were suspended in order to pass bill

No. 156, S., a bill for an act to amend sections 8 and 16, of chapter 340, of the Private and Local Laws of 1856, entitled an act to incorporate the Arena and Dubuque railroad company.

Sen. Seeley moved a call of the Senate, and

The call was sustained.

The roll was called and a quorum being present,

On motion of Sen. Virgin,

Further proceedings under the call were dispensed with.

The question occurring on ordering bill

No. 156, S.,

To a third reading, the bill was ordered to a third reading.

On motion of Sen. Simpson:

Further proceedings on the bill were postponed, and the bill placed in the order of bills on their third reading.

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Sen. Geo. Bennett moved to re-consider the vote by which the Senate yesterday indefinitely postponed bill

No. 80, A.,

And the motion was lost.

Sen. Simpson moved to suspend all rules in order to pass bill,

No. 346, A., a bill for an act to amend an act entitled "an act to incorporate the city of Madison," and the several acts amendatory thereto;

The motion prevailed, the bill was ordered to a third reading, and

The passage concurred in.

On motion of Sen. Simpson:

The Senate adjourned till 4 o'clock in the afternoon of Monday next.

MODNAY, FEBRUARY 27, 4 oclock P. M.

Senate met.

Lieut. Governor in the chair.

Rolled called and quorum present.

Reading of the journal of Saturday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Hanchett:

No. 209, S., a bill for an act to amend section 106, of chapter 28, of the Revised Statutes, entitled "of the school and university lands;"

To the Judiciary committee.

By Sen. Hanchett:

No. 210, S., a bill for an act relating to the estate of Dennis Burnell, deceased;

To the Judiciary committee.

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By Sen. Hotchkiss:

No. 211, S., a bill for an act to provide for letting the public printing by contract and to establish maxinum prices for the execution thereof;

To the committee on Printing.

By Sen. Gill:

No. 212, S., a bill for an act to amend section 7, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of the proof, and recording of conveyances and the cancelling of mortgages;"

To the Judiciary committee.

By Sen. Seeley:

No. 213, S., a bill for an act to amend chapter 67, of the General Laws of 1858, relative to the drainage fund income;

To the committee on Finance.

By Sen Virgin:

No. 214, S., a bill for an act to amend section 95, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

To the Judiciary committee.

By Sen. Curtis:

No. 215, S., a bill for an act to appropriate to James M. Maus $25;

To the committee on Claims.

By the Judiciary committee;

No. 216, S., a bill for an act to appropriate to James M. Flowers the sum of money therein named;

To the committee on Claims.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Washburn:

No. 107, S., a memorial of David Brown and 52 others, praying for the extension of the time for the payment of interest on school, university and swamp lands;

To committee on Education, School and University Lands.

By Sen. Hanchett:

No. 108, S., memorial of the county board of supervisors of Portage county, relating to the indebtedness of said county to the State;

To commitee on State Affairs.

By Sen. Hanchett:

No. 109, S., memorial of Sondre Gunderson and others, for a mail route;

To committee on Federal Relations.

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ACCOUNTS,

Presented and referred.

By Sen. Davis:
No. 28, S., account of Nelson McNeal;
To committee on Claims.

RESOLUTIONS CONSIDERED.

Res. No. 54, S.,
Resolved, That the employees of the Senate are hereby authorized to take papers at the expense of the State, as follows: The Assistant Clerk and Assistant Sergeant-at-Arms, and Postmaster, each five dailies, or their equivalent in weeklys, all other employees of the Senate, each two dailies, or their equivalent in weeklys;
On motion of Sen. Curtis,
The resolution was laid on the table.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills, report that they have examined the following bills, and find them correctly enrolled, viz:
No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;
No. 187, S., a bill for an act to extend the time for the collection of State and county taxes in the city of Janesville;
No. 153, S., a bill for an act to approppiate to A. L. Burke the sum of $264 20.

GEO. BENNETT, *Ch'n.*

The select committee to whom was referred the account of James M. Mans,
Have considered the same, and report the accompanying bill, with the recommendation that it do pass.

CURTIS, *Ch'n.*

The committee on Incorporations to whom was referred:
No. 193, S., entitled, "a bill for an act to amend chapter 30, of the Private and Local Laws of Wisconsin, for the year 1859, entitled an act to amend an act to incorporate the village of Waukesha:
Have had the same under consideration, and instructed me to report the same back to the Senate and recommend its passage.
Also

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No. 192, S., entitled "a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry company;"

Have had the same under consideration, and instruct me to report the same back with certain amendments, and when so amended, recommend its passage.

Also,

No. 194, S., entitled "an act to incorporate the first Universalist Church of Monroe;"

Have had the same under consideration and instructed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

M. W. SEELY, *Ch'n.*

The committee on Claims to whom was referred bill

No. 251, A., a bill for an act to appropriate to Thomas B. Lacy the sum of $87,68;

Have had the same under consideration, and have instructed me to report it back with the recommendation that it do pass,

Z. L. BURDICK, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 261, A., entitled "a bill for an act to amend chapter 127, of the General Laws of 1859, entitled an act to require the Circuit Judge of the 3d Judicial Circuit, to hold special terms of the Circuit Court,"

Have had the same under consideration, and instructed me to report the same back with amendment, and recommend its passage when so amended.

HANCHETT, *Ch'n.*

The committee on Judiciary, to whom was referred the account of James M. Flowers, have had the same under consideration, and instructed me to report the same back by bill, with the recommendation that said bill be referred to the committee on claims.

Mr. Flowers doubtless performed the services specified in the account presented by him, at the request and under the direction of Mr. F. S. Lovell, who was appointed by the Governor to superintend the printing of the Revised Statutes. In th opinion of your committee, a reasonable compensation ought to be allowed Mr. Flowers for the services so rendered, and the sum of three dollars and fifty cents per day, would seem to be fair and just.

L. HANCHETT, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

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Have had said bill under consideration, and herewith report the same back, recommending its passage.

Said committee have also had under consideration the following bill:

No. 54, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled "an act to amend chapter 18, of the Revised Statutes, entitled 'of the assessment and collection of taxes;'"

No. 66, S., A bill for on act to amend section 1, of chapter 145, of the Revised Statutes, entitled "of actions for the foreclosure of a mortgage;"

No 97, S., an act to provide for the punishment of certain offences therein named;

No. 145, S., a bill for an act relating to amendments:

And

No. 115, A., a bill for an act to legalize certain proceedings of county courts and courts of probate;

And herewith report said bills back, with the recommendation that they be severally indefinitely postponed.

Also,

No. 102, A., a bill for an act to amend section 75, of chapter 133, of the Revised Statutes, entitled "of costs and fees,"

Which is herewith reported back without recommendation.

Said committee have also had under consideration

No. 23, S., a bill for an act concerning judgments in certain cases;

And

No. 125, A., a bill for an act to make certain records in Brown county evidence in certain cases;

And herewith report the same back with amendments, recommending their passage when so amended.

HANCHETT, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 264, A., a bill for an act to amend an act entitled an act to incorporate the village of Geneva;

No. 174, A., a bill for an act to repeal section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

No. 255, A., a bill for an act to amend section 5, of chapter 181, of the Revised Statutes, entitled "of judgments in criminal cases, and the execution thereof;"

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No. 273, A., a bill for an act to amend the charter of the city of Appleton;

No. 342, A., a bill for an act to authorize the city of Portage to maintain a levee;

No. 275, A., a bill for an act to amend sections 69 and 70, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

No. 157, A., a bill for an act to amend an act entitled "an act to incorporate the Mutual Life Insurance Company of the city of Madison," approved March 19, 1859;

And asks the concurrence of the Senate in the same.

The Assembly has concurred in the passage of

No. 88, S., a bill for an act to authorize the issuing of patents to deceased persons in certain cases;

And

No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock.

I am further directed to inform you that the Assembly has agreed to the Senate amendments to

No. 117, A., a bill for an act concerning the terms of court in the Fourth Judicial Circuit;

And

No. 140, A., a bill for an act to change the time of holding terms of the circuit court for the county of Dane.

The Assembly has concurred in the passage of

No. 121, S., a bill for an act to authorize the Lumberman's Bank to reduce its capital stock;

No. 122, S., a bill for an act to authorize the Bank of Moneka to reduce its capital stock;

No. 126, S., a bill for an act to authorize the Northern Bank to reduce its capital stock;

No. 159, S., a bill for an act to extend the time for the collection of taxes in the town of Union, in the county of Rock;

I am further directed to inform you that the Assembly has elected the Hon. William M. Griswold, of Columbia county, Speaker *pro. tem.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

Nos. 157, 264, 273 and 342, A.,

Were referred to committee on Incorportions.

Nos. 174, 255 and 275, A.,

Were referred to the Judiciary committee.

No. 358, A., a bill for an act to repeal chapter 246, of the General Laws of 1860, entitled "an act to extend the time for

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the collection of taxes in the town of Freedom, in the county of Outagamie;"

No. 306, a bill for an act for the relief of Sheboygan county;

No. 214, A., a bill for an act to amend sections 1 and 2, of chapter 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf the State;"

No. 274, A., a bill for an act to amend section 87, chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

Were referred to the Judiciary committee.

No. 335, A., a bill for an act to enable the corporation of the village of Sparta to construct sidewalks and otherwise improve the streets of said village;

No. 305, A., a bill for an act to amend an act entitled "an act to incorporate the United States Insurance Company," approved April 30th, 1854;

Were referred to committee on Incorporations.

No. 211, A., a bill for an act to authorize the county of Brown to aid in the construction of the Green Bay and Madison Railroad;

Referred to committee on Railroads;

No. 340, A., a bill for an act to extend the time for collecting taxes in the town and city of Ripon;

On motion of Senator Curtis,

All rules were suspended, in order to put upon its passage, said bill,

No. 340, A.

Sen. Seeley, moved to amend by extending the time till the first day of May, instead of first of April next.

Withdrawn,

The question occurring on the passage of the bill, and

The ayes and noes being required,

The bill was passed—ayes 23, noes 2.

Those who voted in the affirmative were,

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Fratt, Gill, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—23.

Those who voted in the negative were,

Senators Hilgen and Maxon—2.

BILLS ON THEIR THIRD READING.

Mo. 156, S., a bill for an act to amend sections 8 and 16, of chapter 340, of the Private and Local Laws of 1856, entitled

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"an act to incorporate the Arena and Dubuque Railroad co pany;"

Was read a third time and passed.

BILLS REPORTED BY COMMITTE OF THE WHOL

No. 115 S., a bill for an act to provide for carrying into e fect chapter 510, of the General Laws of 1859, relative to tow libraries.

Sen. Maxon offered the following amendment:

Add to section 3, the following:

It shall be the duty of the School Library Commissione to select and purchase suitable books printed in the Germa language, to be apportioned in the several towns and cities the State, where the same may be settled by German popul tion, provided that not more than twenty-five per cent. of t School Library Funds shall be so expended for the purchase such books.

Sen Taylor moved to "further amend the amendment b providing that ten per cent. of the books be printed in th Norwegian language;"

Pending which

Sen. Hitchkiss moved that the bill be recommitted to th committe on Education, School and University Lands, "wit instructions to so amend the bill that books shall be printe in foreign languages."

The ayes and noes were called for

And the motion prevailed—ayes 17, noes 10;

Those who voted in the affirmative, were

Senators Burdick, Curtis, Decker, Ferguson, Fratt, Gill, Hil gen, Hotchkiss, Masters, Maxon, Rodolf, Seeley, Simpson Taylor, Thurbur, Virgin, Worthington—17.

Those who voted in the negative, were

Senators Bartlett, G. Bennett, Comstock, Cox, Davi Hauchett, Hutchinson, Phillips, Stewart, Washburn—10.

On motion of Sen. Curtis,

All rules were suspended in order to pass

Bills Nos. 172, S. and 109, A.

The question occurring on the passage of said bill

No. 172, S.,

The bill was ordered to a third reading, read and passed.

The question then occurring on the passage of bill

No. 109, A.,

The amendments to the said bill were adopted;

And the bill ordered to a third reading.

Sen. Simpson moved that the Senate do now resolve itsel into the committee of the Whole,

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On bill No. 127, S.

Pending which,

Sen. Virgin moved that the Senate do now adjourn.

The ayes and noes were called for,

And the motion prevailed—ayes 14, noes 11.

Those who voted in the affirmative were

Senators G. Bennett, Burdick, Davis, Ferguson, Fratt, Gill, Hilgen, Hutchinson, Masters, Maxon, Taylor, Thurbur, Virgin and Worthington—14.

Those who voted in the negative were

Senators Comstock, Cox, Curtis, Decker, Hotchkiss, Phillips, Rodolf, Seeley, Simpson, Stewart and Washburn—11.

Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, FEBRUARY 28th, 10 o'clock, A. M.

The Senate met.

Lieut. Governor in the chair.

Roll called, an quorum present.

Reading of the journal of yesterday was dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Rodolf:

No. 110, S., remonstrance of E. D. Campbell and 250 others, citizens of La Crosse, against the division of a certain ward;

To committee on Incorporations.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. Cox:

No. 217, S., a bill for an act to amend section 23, of the Revised Statutes, entitled "of common schools;"

To committee on Education, School and University Lands.

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By Sen. Thurbur:

No. 218, S., a bill for an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State road therein named;

To general file.

By Sen. Rodolf:

No. 219. S., a bill for an act to grant town license to traveling auctioneers;

To committee on State Affairs.

By Sen. Washburne:

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled "an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;"

To committee on Incorporations.

By Sen. Hanchett:

No. 221, S., a bill for an act to extend the time for the collection of taxes in the county of Marathon;

On motion of Sen. Hanchett,

All rules were suspended, in order to put said bill on its passage.

The ayes and noes being required,

The bill was passed—ayes 25, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor Thurbur, Virgin, Washburn and Worthington—25.

Those who voted in the negative were

Senators Hilgen, and Maxon—2.

ACCOUNTS,

Presented and referred.

By Sen. Hutchinson:

No. 29, S., account of Wm. B. Walton;

To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington:

Res. No. 58, S.,

Whereas, The true national flag will be for the first time raised upon the Capitol, on the 29th inst., therefore,

Resolved, That the Superintendent of Public Property is

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hereby directed to order the firing of 33 guns upon the raising of said flag, in commemoration of the event, and as an expression of our unvarying confidence in the stability and perpetuity of the Union.

Senator Hutchinson moved the previous question;

And the motion was not sustained.

Senator Simpson moved to amend by inserting after "the 29th inst.," the following: "the birth day of Thomas Paine;"

And the motion was lost.

Senator Gill moved that the following substitute be adopted instead of the original resolution:

Whereas, The Republican Convention of the State of Wisconsin assembles to-morrow in State convention;

An whereas, It is important to attach great importance to the doings of said convention, in order to promote the interests of said party;

And whereas, It has, by preconcerted design, been so arranged that the flag of our Union should be raised upon the Capitol upon the day of the assembling of such convention; therefore,

Resolved, That for the purpose of further promoting the success of said party, that thirty-three guns be fired at the expense of the State, at the assembling of said convention and the hoisting of said flag;

The ayes and noes were called for, and

The motion was lost—ayes 13, noes 17.

Those who voted in the affirmative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hutchinson, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Washburn—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Egan, Hanchett, Hotchkiss, Masters, Phillips, Seeley, Stewart, Virgin and Worthington—171

Sen. Gill moved to amend by striking out of the origina resolution, the following words: "for the first time;"

On this motion,

The ayes and noes were called for, and

The motion was lost—ayes 13, noes 17.

These who voted in the affirmative, were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—13.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters,

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Phillips, Seeley, Stewart, Virgin, Washburn and Worthingt
—17.

Sen. Curtis moved to amend by inserting the word "new
before the word "capitol," in the Revised Statutes, and

The motion prevailed.

The question occurring on the adoption of the resolution
amended,

The resolution was adopted.

REPORTS OF COMMITTEES.

The committee on the Judiciary, to whom was referred

Mem. No. 92, S., of Thos. Hinton and others, relating
the payment of taxes in the county of Marathon;

Have had said memorial under consideration, and herewi
report the same back by bill, recommending the passage of t
bill.

HANCHETT, *Ch'n.*

The committee on Education, School and University Land
to whom was referred:

No. 115, S., a bill for an act to provide for carrying in
effect chapter 210, of the General Laws of 1859, relative
town school libraries;

Have had the same under consideration, and report the san
back with an amendment, and recommend that when so amen
ed said bill be *indefinitely postponed.*

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Land
to whom was referred,

No. 44, A., a bill for an act to repeal chapter 210, of the Ge
eral Laws of 1859, entitled an act to provide a permanent tow
ship School Library Fund;

Have had the same under consideration and directed me
report the same back with the recommendation that it be ind
finitely postponed.

HUTCHINSON, *Ch'n.*

The committee on Engrossed Bills have examined and con
pared:

No. 130, S., a bill to amend an act entitled, "an act to in
corporate the La Crosse Hydraulic company,"

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The Railroad committee, to whom was referred Assembl
bill

No. 282, being an act to amend chapter 409, of the Priva

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Laws of Wisconsin, for the year 1856, entitled "an act to incorporate the Ripon and Wolf River Railroad;"

Have considered the same, and recommend that it be laid on the table. PHILLIPS, *Ch'n.*

The committee on Incorporations, to whom was referred

The petition and remonstrance of citizens of Door county, in regard to organizing said county for judicial purposes;

Have had the same under consideration, and instruct me to report, that from the said petition and remonstrance (and your committee have no other source of information before them,) it appears that a large majority of the citizens of said county are opposed to organizing said county for judicial purposes; your committee therefore believe that the prayer of said petitioners ought not to be granted, and recommend that said petition and remonstrance be laid upon the table.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to inform you that the Assembly has concurred in the passage of

No. 107, S., a bill for an act to amend section 1, of chapter 166, of the Revised Statutes, entitled "of Forgery and Counterfeiting;"

Without amendment.

No. 89, S., a bill for an act for the relief of Nathan B. Langdon and others;

Has been amended, and concurred in as amended.

I am further directed to inform you that the Assembly has passed

No. 57, A., a bill for an act to provide for the disposal of the drainage fund monies in the county of Fond du Lac;

No. 294, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Jefferson county;

No. 337, A., a bill for an act to authorize the city of Madison to levy and collect a special tax for the years 1860, and 1861.

No. 338, A., a bill for an act for the relief of settlers on N. E. 1-4 of section 16. town 26, range 16, in Shawanaw Co.;

No. 353, A., a bill for an act to legalize the official acts of Willard T. Chase, as justice of the peace, of the county of Dane;

No. 357, A., a bill for an act to provide for the sale of lands returned to the county of Chippewa for the non-payment of taxes for the year 1857;

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No. 386, A., a bill for an act to extend the time for the collection of taxes in the city of Portage:

And asks the concurrence of the Senate in the same.

I am also directed to present to you for signature

No. 117, A., a bill for an act concerning the term of court in the fourth Judicial circuit;

No. 140, A., a bill for an act to change the time of holding terms of circuit court for the county of Dane;

No. 345, A., a bill for an act to amend an act entitled "an act to incorporate Mineral Point Seminary;"

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has passed

No. 327, A., a bill for an act to authorize the district board of Joint School District No. 2, of the town and city of Ripon to collect a tax;

And asks the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has passed

No. 402, A., a bill for an act to provide for filling vacancies in the office of judge and clerk of the municipal court in the city and county of Milwaukee;

In which the concurrence of the Senate is requested.

I am also directed to present for your signature

No. 82, A., a bill for an act to amend section 1, of chapter 266, of the Private Laws of 1855, entitled "an act to amend an act entitled 'an act to amend an act to incorporate the Fort Winnebago, Baraboo Valley, and Minnesota Railroad Co.;'"

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;

No. 153, S., a bill for an act to appropriate to A. L. Burke the sum of $264 20;

No. 187, S., a bill for an act to extend the time for the collection of the State and County taxes in the city of Janesville;

And

No. 340, A., an act to extend the time for collecting taxes in the town and city of Ripon.

BILLS ON THEIR THIRD READING.

No. 109, A., a bill for an act to authorize the town of Half Moon, in the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river, in said town;

Was read a third time, and the passage concurred in.

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BILLS READY FOR A THIRD READING.

No. 130, S., a bill for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Company;

Was read a third time and passed.

Sen. Stewart moved to recommit to committee on Incorporations,

Bill No. 194, S., a bill for an act to incorporate the first Universalist church of Monroe;

And the motion prevailed.

On motion of Sen. Hutchinson,

The Senate went into

COMMITTEE OF THE WHOLE

On the general file;

Sen. Maxon in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 260, A., a bill for an act to detach certain territory now included in school District of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county;

No. 153, A., a bill for an act to amend sections 2 and 3 of chapter 67, of the private and local laws of 1859, entitled "an act to incorporate the La Pointe Iron Company," approved March 5th, 1857;

No. 235, A., a bill for an act to amend an act entitled an act to amend an act to incorporate the village of Omro;

No. 195, A., a bill for an act to amend chapter 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

No. 179, A., a bill for an act to amend chapter 132, of the Private and Local Laws of 1859, entitled "an act to amend an act entitled an act to incoporate the the city of Beaver Dam;"

No. 70, A., a bill for an act to amend chapter 73, of the Revised Statutes, entitled "of joint stock companies;"

No. 99, S., a bill for an act to incorporate the La Crosse Valley Seminary;

No. 125, S., a bill for an act to amend an act entitled "an act to incorporate the city of Prescott;"

No. 175, S., a bill for an act relating to the State tax of the county of Door;

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No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;" also chap. 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad, approved October 11th, 1856;" also chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;"

With the recommendation that they do pass.

No. 167, S., a bill for an act concerning bills of exchange and promissory notes;

With the recommendation of reference to Judiciary committee.

No. 178, S., a bill for an act to amend an act entitled "an act to amend chap. 299, of the Private and Local Laws for the year 1855, entitled 'an act to incorporate the Sugar River Valley Railroad Company;'"

With the recommendation of reference to a select committee of one, consisting of Sen. Stewart.

No. 46, S., a bill for an act to amend sec. 1, of chap. 129, of laws of a general nature of 1859, entitled "an act to amend sec. 1, of chap. 142, of laws of a general nature of 1858, enentitled an act to amend an act entitled 'an act to organize the county of Kewaunee for judicial purposes;'"

With the recommendation that it lay on the table.

No. 85, S., a bill for an act to protect the wool growing interests of Wisconsin;

With the recommendation that it be made a special order for the first day of March next.

No. 138, S., a bill for an act providing for the collection of the purchase money due the State upon the sales of school, university and swamp lands;

With the recommendation of indefinite postponement.

Sen. Worthington introduced the following resolution:

Resolved, That when the Senate adjourn this afternoon, it adjourn to meet to-morrow morning at 9 o'clock.

Sen. Hutchinson moved to amend by striking from the resolution the word "to-morrow," and inserting in lieu thereof the word "Thursday," and

The amendment was adopted.

The question occurring on the adoption of the resolution as amended,

The Senate refused to adopt.

Sen. Hotchkiss moved that the Senate do now adjourn till to-morrow morning at 10 o'clock.

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Sen. Gill moved to amend by striking out the word "to-morrow," and inserting in lieu thereof the word Thursday, and the amendment was accepted.

The question occurring on the motion as amended,

The ayes and noes were called for and the motion was lost, —ayes 11, noes 16.

Those whose voted in the affirmative were:

Senators Bartlett, G. Bennett, Ferguson, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Taylor and Thurbur—11.

Those who voted in the negative were:

Senators A. I. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Fratt, Hanchett, Masters, Simpson, Stewart, Sweat, Virgin, Washburn and Worthington—16.

On motion of Sen. Virgin:

Senate adjourned till 4 o'clock this afternoon.

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4 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Senator Washburn:

No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

To committee on Education, School and University Lands.

REPORTS OF COMMITTEES.

The committee on Benevolent Institutions, to whom was referred

J. Res. No. 13, S.,

Resolved, by the Senate, the Assembly concurring, That in the opinion of this Legislature it would be too expensive, and therefore inexpedient, to open the Hospital for the Insane for the admission of patients until a much larger amount of room can be provided for the accommodation of the insane than has been provided in the present building, as now in process of construction.

Resolved, further, That with a view to carrying into effect the object of the above resolution, the commissioners and trustees of said Hospital are hereby instructed to cause all work and

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expenditure upon said building and fixtures to be immediate suspended, and that they retain the whole matter in such su pension till otherwise ordered by the Legislature.

Report the same back with the recommendation that it laid on the table.

The question occurring on the recommendation of the co mittee;

The said resolution was laid on the table.

The said committee on Benevolent Institutions further r port the following

J. Res. No. 15, S.,

Resolved, by the Senate, the Assembly concurring, That t committee on Benevolent Institutions in the Senate, in co junction with the special committee of the Assembly havi under consideration the Hospital for the Insane, be instruct to report a bill providing for such modification of the intern arrangement of said hospital, as will as largely as practical increase its capacity for the reception and treatment of patien having due regard to the expense to be incurred in making su modification, and providing for the appointment of proper o cers to carry into effect the proposed changes;

With the recommendation that it be adopted.

The question occurring on the adoption of the resolution,

The resolution was adopted.

REPORT.

The committee on Banks and Banking to whom was referr

No. 179, S., a bill for an act to reduce the capital stock the Clark County Bank;

And

No. 206, S., a bill for an act to authorize the Bank of W ertown, to reduce its capital stock;

Report the same back, and recommend their passage.

D. WORTHINGTON.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No's. 338 and 353, A.,

To Judiciary committee.

No's. 337 and 357, A.,

To committee on Finance.

No. 327, A.,

To committee on Education, School and University Lands

No's. 57 and 294, A.,

To committee on Public Lands.

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No. 89, S.,

With an amendment.

The question occurring on concurring in the amendment made by the Assembly,

The Senate refused to concur.

Sen. Davis moved to suspend all rules in order to pass bills No's. 368 and 402, A.,

And the motion prevailed.

The question occurring on the passage of bill

No. 386, A.,

The bill was ordered to a third reading, read, and passed.

The ayes and noes being required,

The bill was passed—ayes 25, noes 3.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—25.

Those who voted in the negative were

Senators Hilgen, Maxon and Simpson—3.

The question occurring on the passage of bill

No. 402, A.,

Sen. Hutchinson asked unanimous consent to amend the bill by striking out the words "State paper;"

Objection was made.

The bill was then ordered read a third time, read, and passed.

RESOLUTIONS INTRODUCED

And considered.

By Sen. Bartlett:

No. 59, S.,

Resolved, That when the Senate adjourn, it adjourn to Thursday next at nine o'clock, A. M.

Sen. Eagan moved to amend by inserting 10 o'clock, instead of 9 o'clock, and

The motion prevailed.

The question occurring on the adoption of the resolution as amended,

The resolution was adopted.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

On motion of Senator Washburn, bill

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No. 138, S.,
Was laid on the table.
Nos. 99, 125, 169 and 175, S.,
Were ordered engrossed for a third reading.
Nos. 70, 153, 195, 179, 235 and 260, A.,
Were ordered to a third reading.
No. 167, S.,
Was referred to the Judiciary committee.
No. 178, S.,
Was referred to a select committee consisting of Senat Stewart.
No. 85, S.,
Was made the special order for the first day of March nex
No. 46, S.,
Was laid on the table.
Senator Seeley moved that the Senate resolve itself in committee of the whole on the general file;
Senator Simpson moved to amend by inserting "bill N 127, S.," instead of "the general file;"
The amendment was accepted.
The question occurring on the motion as amended,
The motion was lost.
Senator Seeley moved that the Senate do now resolve itse into committee of the whole on the general file;
Ruled out of order.
Senator Simpson moved that the Senate do now adjourn;
Lost.
On motin of Sen. Hutchinson:
The Senate resolved itself into the

COMMITTEE OF THE WHOLE

On the general file.
Sen. Simpson in the chair.
After some time spent therein, the committee rose, report progress, and asked leave to sit again.
Leave was granted.
They further reported back the following bills, with the se eral recommendations accompanping the same:
No. 158, S., a bill for an act relating to school, universit swamp and overflowed lands, belonging to the State;
With the recommendation that it be referred to the Judicia committee.
No. 127, S., a bill for an act to abolish the county board supervisors and establish a board of county commissioners;
With the recommendation that it be indefinitely postponed
On motion of Sen. Sweat,
The Senate adjourned till Thursday morning, at 10 o'cloc

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THURSDAY, March 1, 10 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.
Prayer by the Rev. Mr. Walters.
Reading of the journal of yesterday dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Seeley;

No. 111, S., memorial of H. Meriam and 20 others, citizens of the city of Berlin, against the division of the first ward of said city, and asking the organization of a new town;

To the Judiciary committee.

No. 112, S., petition of the citizens of Madison, for a donation to the English German school;

To committee on Education, School and University Lands.

By Sen. Gill:

No. 113, S., remonstrance of the citizens of Fort Atkinson against incorporating village.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington:

No. 60, S.,

Resolved, That a Select committee of three be appointed by the chair, to inquire and report to the Senate what were the prices in items of the contract with Andrew Proudfit, for the erection of the Lunatic Asylum, and the relative prices for the building of the Hospital for the insane under the contract with Nelson McNiel, the difference in cost, if any between the two contracts, and what the same character of work in the present building would have cost under the Proudfit contract

Sen. Curtis moved to amend by adding, "and how far the present structure corresponds with the proposed building under the Proudfit contract."

The question occurring on the adoption of the amendment,

It was adopted.

The question then occurring on the adoption of the resolution as amended;

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The resolution was adopted; and
The President appointed
Senators Worthington, Rodolf and Stewart said committee.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Bartlett:
No. 223, S., a bill for an act to amend an act entitled "an act to make a temporary loan to the 'State University,'" approved March 21st, 1859;
To committee on State Affairs.

By committee on Claims:
No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127;
To general file.

ACCOUNTS,

Presented and referred.

By Sen. Comstock:
No. 30, S., account of D. G. Power $400;
To committee on Claims.

REPORTS OF COMMITTEES.

The committee on Claims, to whom was referred account
No. 21, S., the account of Hugh Campbell, sheriff of La Fayette county, for serving Governor's warrant on Governors of Missouri and Kansas, for Elijah Brown, a fugitive from justice;
Have had the same under consideration, and report it back by bill
No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127;
And recommend said bill do pass.
Also,
No. 216, S., a bill for an act to appropriate to James M. Flowers the sum of money therein named;
Have had the same under consideration, and have instructed me to report it back, with an amendment, and recommend its passage as amended.

Z. P. BURDICK, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred
No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

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Have had the same under consideration, and directed me to report the same back, and recommend its passage.

Also,

No. 327, A., a bill for an act to authorize the district board of joint school district No. 2, of the town and city of Ripon, to collect a tax;

Report the same back, and recommend its passage.

HUTCHINSON, *Ch'n.*

The committee on State affairs to whom was referred

The account of A. A. McDonell, for extra work and materials, upon the the Capitol Extension, have examined the same and report that they have been unable to find either legal or equitable grounds for this claim. There has been heretofore allowed for extras upon this contract considerably more than, in the opinion of the superintending architect, was due; and we cannot but think that this account should be considered closed.

The committee therefore direct me to recommend that this account be not allowed.

HUTCHINSON, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 29th inst., they presented to the Governor, for his approval the following bills, viz:

No. 153, S., a bill for an act to appropriate to A. L. Burke, the sum of two hundred and sixty-four dollars and twenty cents;

No. 187, S., a bill for an act to extend the time for the collection of the State and county taxes, in the City of Janesville;

No. 58, S., a bill for an act to confer certain powers upon the trustees of the village of Monroe;

No. 82, A., a bill for an act to amend section 1, of chapter 266, of the Private Laws of 1855, entitled "an act to amend an act to incorporate the Fort Winnebago, Baraboo Valley, and Minnesota Railroad Company;"

No. 140, A., a bill for an act to change the time of holding terms of circuit court for the county of Dane;

No. 340, A., a bill for an act to extend the time for collecting taxes in the town and city of Ripon;

No. 117, A., a bill for an act concerning the terms of court, in the fourth judicial circuit;

No. 345, A., a bill for an act to amend an act, entitled "an act to incorporate Mineral Point Seminary."

C. MILLER, *of Assem. Com.*
GEO. BENNETT, *of Senate Com.*

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MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assemblyhas concurred in the Senate amendment to

No. 74, A., a bill for an act authorizing the county board of Douglas county to lay out, establish and improve a road leading from Superior through unsettled portions of the State, and to appropriate money therefor.

I am further directed to inform you that the Assembly has passed

No. 169, A., a bill for an act regulating the rights of miners and persons digging for lead ore.

No. 213, A., a bill for an act to amend an act to incorporate the borough of Fort Howard, and the act amendatory thereto, approved Oct. 13, 1856.

No. 313, A., a bill for an act to amend chap. 88, of the General Laws of 1857, entitled "an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin."

No. 321, A., a bill for an act to provide for the payment of all audited accounts.

No. 365, A., a bill for an act to provide for the incorporation of benevolent, charitable, scientific and literary societies.

No. 378, A., a bill for an act to appropriate to Henry Seifert the sum of $125;

And asks the concurrence of the Senate in the same.

I am further directed to present for signature,

No. 30, A., a bill for an act authorizing the county board of St. Croix county to lay out a road from Hudson, in said county, to the west boundary of Dunn county, and to make certain appropriations therein named;

No. 75, A., a bill for an act for the relief of settlers on the sixteenth section, town 26, range 15, in Shawanaw county;

No. 101, A., a bill for an act to amend chapter 46, of the General Laws of 1859, entitled "an act for the formation of town insurance companies;"

No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc;

No. 127, A., a bill for an act to reduce the capital stock of the Farmers and Millers' Bank of Milwaukee;

No. 74, A., a bill for an act authorizing the county board of Douglas county to lay out, establish and improve a road leading from Superior through unsettled portions of the State, and to appropriate money therefor;

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No. 124, A., a bill for an act to permit the Dodge County Bank to reduce its capital stock;

No. 187, A., a bill for an act to amend section 15, of chapter 10, of an act entitled "an act to incorporate the city of Beaver Dam," approved March 18, 1856;

No. 34 i, A., a bill for an act to amend an act entitled "an act to incorporate the city of Madison," and the several acts amendatory thereto;

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 137, S., a bill for an act to authorize the commissioners of school and university lands to assign a certain mortgage.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 99, S., a bill for an act to incorporate the La Crosse Valley Seminary;

No. 125, S., a bill for an act to amend an act entitled "an act to incorporate the city of Prescott;"

No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad;" also chap. 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad, approved October 11th, 1856;" also chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;"

No. 175, S., a bill for an act relating to the State tax of the county of Door.

The ayes and noes being required, the bill was passed; ayes 22, noes 2.

Those who voted in the affirmative were:

Senators Bartlett, A. I. Bennett, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—22.

Those who voted in the negative were:

Senators Hilgen and Maxon.

BILLS ON THIRD READING.

The following bills were severally read a third time and concurred in:

No. 260, A., a bill for an act to detach certain territory now

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included in school district of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county;

No. 153, A., a bill for an act to amend sections 2 and 3 of chapter 67, of the Private and Local Laws of 1859, entitled "an act to incorporate the La Pointe Iron Company," approved March 5th, 1857;

No. 235, A., a bill for an act to amend an act entitled an act to amend an act to incorporate the village of Omro;

No. 195, A., a bill for an act to amend chapter 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

No. 179, A., a bill for an act to amend chapter 132, of the Private and Local Laws of 1859, entitled "an act to amend an act entitled an act to incorporate the city of Beaver Dam."

The Senate amended and concurred in the passage of, as amended,

No. 70, A., a bill for an act to amend chapter 73, of the Revised Statutes, entitled "of joint stock companies."

BILLS REPORTED BY COMMITTEE OF THE WHOLE

Considered.

No. 158, S., a bill for an act relating to school, university and swamp and overflowed lands, belonging to the State.

Was referred to the Judiciary committee.

No. 127, S., a bill for an act to abolish the county board of supervisors and establish a board of county commissioners;

Senator Taylor made the following motion:

"I move that Senate bill No. 127, be referred to its proper committee, with instructions to so amend as to provide for the election of one commissioner from each Assembly district—providing that no county shall have less than three, and in counties having an even number of Assembly districts, one from the county at large, giving an odd number to the board of said commissioners."

Pending which

Senator A. I. Bennett moved to further instruct, requiring the committee to report amendments to the Constitution, providing that counties may select the commissioner or supervisor system in such manner as may be prescribed by law.

Senator Gill, moved to lay on the table the said motion of instructions.

The ayes and noes were called for and the motion was lost—ayes 12, noes 16.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Eagan, Ferguson,

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Fratt, Gill, Hilgen, Maxon, Thurbur, Washburn and Worthington—12.

Those who voted in the negative were

Senators A. I. Bennett, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, Taylor and Virgin—16.

Sen. A. I. Bennett moved to amend his motion by inserting after the word "constitution," "in lieu of the bill now before the Senate."

Sen. Virgin moved to lay the whole subject on the table.

The ayes and noes were called for, and the motion was lost—Ayes 13, noes 15.

Those who voted in the affirmative, were:

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Eagan, Fratt, Gill, Hilgen, Masters, Maxon, Thurbur, Virgin and Worthington—13.

Those who voted in the negative were.

Senators Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hotchkiss, Hutchinson, Phillips, Rodolf, Seeley, Stewart, Sweat, Taylor and Washburn—15.

The question occurring on the adoption of the amendment to the amendment,

The amendment was lost.

The question then occurring on the adoption of the amendment to the motion,

Sen. A. I. Bennett asked leave to withdraw the amendment, and,

Leave was granted.

The question then occurring on the adoption of the motion,

Sen. Comstock moved to further instruct the committee to report a substitute so amending chapter 13, of the Revised Statutes as to provide that the county Board of Supervisors shall consist of members elected in each Assembly district, provided there shall not be less than three members in any one county, and in case of even number of Assembly districts, one member from the county at large.

The question occurring on the adoption of the amendment,

It was adopted.

The question then occurring on the adoption of the motion as amended,

The motion was adopted, and

The bill was referred with instructions.

SPECIAL ORDER.

No. 85, S., a bill for an act to protect the wool growing interests of the State of Wisconsin,

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Which was made the special order for to-day, was taken up, and

On motion of Senator Gill,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On said bill No. 85, S.,

After some time spent therein, the Committee rose, reported that they had made some progress in said bill and asked leave to sit again on the same.

Leave was granted.

On motion of Senator Taylor, said bill,

No. 85, S.,

Was made the special order for four o'clock this afternoon.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you, that the Assembly has concurred in the Senate amendment to

No. 109, A., a bill for an act to authorize the town of Half Moon in the county of Eau Claire to keep and maintain a free ferry across the Chippewa river, in said town;

And

No. 70, A., a bill for an act to amend chapter 73, of the Revised Statutes, entitled "of joint stock companies:"

The Assembly has refused to concur in the passage of

No. 10, S., a bill for an act to permanently fix the compensation of the officers and employees of the Legislature.

I am directed to present to you for signature,

No. 402, A., a bill for an act to provide for filling vacancies in the office of judge and clerk of the municipal court in the city and county of Milwaukee;

Which has been signed by the Speaker.

The Assembly refuses to recede from its amendment to

No. 89, S., a bill for act for the relief of Nathan B. Langdon and others;

And asks a committee of conference thereon.

Messrs. Boyd, Brooks and Bettis, have been appointed as such committee on the part of the Assembly.

On motion of Sen. Ferguson,

The Senate adjourned till four o'clock this afternoon.

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4 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Sweat:

No. 225, S., a bill for an act to amend chapter 345, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;

By committee on Public Lands:

No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the drainage fund income, and to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

To the general file.

REPORTS OF COMMITTEES.

The committee on Finance, to whom was referred bill

No. 337, At, entitled a bill for an act to authorize the city of Madison to levy and collect a special tax for the years 1860 and 1861;

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled, viz:

No. 48, S., a bill for an act to amend an act to prevent the sale of unripe cranberries, approved March 17, 1859;

No. 122, S., a bill for an act to authorize the Bank of Moneka to reduce its capital stock;

No. 126, S., a bill for an act to authorize the Northern Bank to reduce its capital;

No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

No. 121, S., a bill for an act to authorize the Lumberman's Bank to reduce its capital stock;

No. 107, S., a bill for an act to amend section 1, of chapter 166, of the Revised Statutes, entitled "of forgery and counterfeiting;"

No. 189, S., a bill for an act to extend the time for the collection of taxes in the town of Union, in the county of Rock;

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No. 88, S., a bill for an act to authorize the issuing of pat ents to deceased persons in certain cases.

GEO. BENNETT, *Ch'n.*

The committee on Education, School and University Land to whom was referred the petition of certain resident citizen of the city of Madison, asking an appropriation for one of th public schools of said city, are unable to find any authority i law for such a grant; and in their opinion the uniformity desi able in the common school system of the State makes it inex pedient to grant the prayer of the petitioners.

HUTCHINSON, *Ch'n.*

The comittee on Public Lands, to whom was referred

No. 126, A., entitled a bill for an act to provide for the di posal and expenditure of the drainage fund monies in Shaw naw County;

With instructions to report a bill for a general law to pr vide for the same objects;

And

No. 294, A., entitled a bill for an act to provide for the di posal and expenditure of the drainage fund monies in Jefferso County;

Also

No. 57, A., a bill for an act to provide for the drainage fun monies in the county of Fond du Lac;

Have had the same under consideration, and instructed m to report the same bills back, with the recommendation tha they be indefinitely postponed;

Also, to report the accompanying bill, in pursuance of sai instructions, and recommend its passage.

J. T. STEWART, *Ch'n.*

The select committee, to whom was referred

No. 178, S.;

Report the same back, with a substitute to section 1, of sai bill, and recommend the passage of the same when so amended

J. W. STEWART.

The committee on Finance to whom was referred so much the Governor's Message as relates to the rates of interest o money, as also Senate bill,

No. 200, A., a bill for an act to amend chap. 61, of the Re vised Statutes, entitled "of the rate of interest;"

Have had the same under consideration, and have instructe me to make the following report:

Laws regulating the use of money have prevailed since th earliest formation of governments. Their necessity and jus tice, to protect the poor and necessitous from becoming too eas

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a prey to the biting avarice of capitalists, as also to prevent the wrong and injury inflicted upon the people by ruinous rates of interest, have been advocated by the wisest statesmen of all enlightened nations. Experience convinced them of the fact, that unlimited interest leads to unlimited oppression, and that the extortion of the creditor, and the resistance of the debtor, were constantly agitating and disturbing the public peace. Many distinguished statesmen contended that money had no intrinsic value beyond its own specific representation, that a dollar should represent a dollar, and no more.

Commerce and trade, its fluctuations and hazards, however, soon established the policy of all enlightened nations to regulate and restrain the rates of interest by law. And the only question then was to fix a price for the use of money.

Can this be done? Is there any established rule to guide legislative judgment in this respect?

Your committee think there is, and believe that the rate of interest which nearest corresponds to the profits of invested capital, should be the general guide and rule.

Any law which regulates the interest of money above the clear average profits of labor, whether it be merchandizing, farming or manufacturing, produces evil results to society, by depreciating the income of all industrial departments, and over-rewarding capital.

For the same reason a law, which fixes interest below the profits of labor, tends to the too great encouragement of labor, and the discouragement of capital.

The effect of this is to sever the natural and intimate relations of labor and capital. The greatest good of society is attained when these combine together, and when the rewards of each are the most nearly equal. Labor makes but poor progress without the aid of money, and yet money will not be trusted to the hand of toil, unless the profits are equal to its use in any other manner. On the other hand, money cannot do the good it is designed to accomplish, unless it is combined with the industry of the country. By our observation and experience your committee believe that the profits of invested capital in farming, in which the largest capital of the people of this State is invested, does not exceed six per centum per annum of clear average profits, while perhaps the profits of labor invested in mercantile, manufacturing, mining or other industrial pursuits, will average seven per centum. Now, no proposition can be more true than that community can pay no greater rate of interest for the capital invested in their pursuits, than the nett profits of their labor, and that if they do, it must sooner or later lead to inevitable ruin.

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There are undoubted isolated instances where enormous rates of interest have been paid, and where both the borrower and lender have been profited.

Your committee believe that sudden and extreme reforms are unwise; that we must neither stretch or amputate, in order to make our institutions "fit" exactly to any theory. It is better to follow the course and order of Providence, and suffer our general system of laws, like our habits, to accommodate itself slowly to our necessities, and to vary only with the gradual and almost imperceptible progress of time and experience. Our Banking law now allows banks to do business at the rate of 10 per centum of interest, and your committe is of opinion that said law cannot be changed without a vote of the people; as it is a constitutional amendment, voted upon by the people of this State in November, A. D. 1858, as per an act passed by the Legislature, and approved 15th May, 1858, which repeals the clause which only allowed banks 7 per centum of interest after 1st January, 1860.

Therefore your committee recommend only a small change of our interest law at present. Many of our best political economists believe that money, like other marketable commodities, should be left free from legislation; that the law of supply and demand will best regulate it. The error they commit consists in assuming that "money" is "property." Money is not property—it is the creature of law. Law makes it the adjustor of the value of property, as well as the means of facilitating the exchange of property.

The law comes betwcen you and your neighbor, and forces you to discharge his claims in money.

The law levies taxes on you, for the support of Government, and compels you to pay the same with money.

Not so with property. You cannot use it to satisfy the demands of either the tax-gatherer or your creditor. You may have to sacrifice property to get money, as the law compels you to have that species of property—the only property to which the law gives that power.

Not so with property generally—if one species is high, you are not obliged to have it—you may use another species that may answer you for similar purposes. For instance: Should flour be too high, you might use meal—coffee, you can use wheat—horses, you might use oxen—and so on with any species of property. You can use the one which would be the easiest acquired by you.

Place both upon the same footing, and the free trade policy may be correct. Then wheat would be a lawful tender, and the tax-gatherer and creditor could not convert your horse into

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money under the hammer, as a means of cancelling their demand, the horse itself being the legal means of discharging such claims.

Money possesses no mysterious power over other products, but it has a legal power and valuation. The fact is plainly demonstrated by the great increase of gold and silver, which, if it was like other products, would have necessarily decreased in value.

Our State being an inland State, must of necessity have a producing community. Our wealth consists of the manifold products of the soil, the manufacturing of lumber from our extensive forests, and the different mineral ores of our mines, while commerce is but a small item of our resources.

Our prosperity therefore requires a policy, which will confine as much as possible the circulating medium or money to the legitimate purposes of its creation. The contest is one of capital against labor.

We therefore, for the reasons set forth, and various reasons not mentioned, report back

No. 200, S.,

With amendments, and recommend that it do pass when so amended.

We also recommend the passage of the following resolution:

Resolved, That the committee on Banks and Banking be instructed to report a bill to be submitted to the electors of this State at the next general election, amending the banking law, so as to reduce the rates of interest from ten per centum to seven per centum.

CHAS. G. RODOLF, *Ch'n pro tem.*

The resolution was adopted.

SPECIAL ORDER.

No. 85, S., a bill for an act to protect the wool growing interests of the State of Wisconsin;

Which was made the special order for this afternoon,

Was taken up and considered.

On motion of Sen. Hutchinson,

The Senate went into

THE COMMITTEE OF THE WHOLE,

On said bill,

No. 85, S.,

Sen. Gill in the chair.

After sometime spent therein, the committee rose, and reported back the said bill with amendments, and the recommendation to pass when so amended;

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The committee asked leave to sit again, and

Leave was granted.

The question occurring on the first amendment, which w "to strike out all after the enacting clause, and place in li thereof a substitute;"

A division of the question was called for,

And the question occurring on the first part of the amen ment,

The amendment prevailed.

Sen. A. I. Bennett moved to amend the amendment, by i serting after the enacting clause, the following :

"It shall be lawful for any person to kill any dog which m be found running at large unaccompanied by his master, wi out being subjected to any damages for the killing of su dog;"

Pending which,

Sen. Maxon moved to lay the amendment to the amendme on the table, and

The motion was lost.

The question occurring on the amendment to the amendme

The motion was lost.

The question occurring on inserting the substitute after t enacting clause of the original;

Sen. Worthington moved to amend the substitute by stri ing there from sections 5 and 6;

Pending which,

Sen. Virgin moved that the Senate do now adjourn.

The ayes and noes were called for,

And the motion was lost—ayes 7, noes 18.

Those who voted in the affirmative were

Senators Eagan, Gill, Hilgen, Hotchkiss, Maxon, Rodo and Virgin—7.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdic Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Hutchinso Masters, Phillips, Sweat, Taylor, Thurbur, Washburn ar Worthington—18.

The question recurring on the amendment proposed by Sen tor Worthington,

The motion was lost.

Sen. Maxon moved to amend by striking out the wor "and every police officer, constable or marshal, shall," in lin 1, of section 3;

Pending which,

Sen. Hotchkiss moved that the Senate do now adjourn, an

The motion was lost.

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Sen. Hotchkiss moved the previous question, and

The call was sustained.

The question being, "shall the main question be now put?"

The previous question was ordered.

The question being on the adoption of Senator Maxon's amendment,

The ayes and noes were called for, and

The amendment was lost—ayes 11, noes 13.

Those who voted in the affiamative were

Senators A. I. Bennett, G. Bennett, Burdick, Curtis, Gill, Hilgen, Maxon, Phillips, Rodolf, Stewart and Virgin—11.

Those wo voted in the negative, were

Senators Bartlett, Comstock, Cox, Davis, Decker, Eagan, Fratt, Hotchkiss, Masters, Sweat, Taylor, Washburn and Worthington—13.

The question occurring on the adoption of the substitute;

The ayes and noes were called for, and the substitute was adopted—ayes 18, noes 5:

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hotchkiss, Hutchinson, Masters, Phillips, Stewart, Sweat, Taylor, and Worthington—18.

Those who voted in the negative, were

Senators Hilgen, Maxon, Rodolf, Virgin, and Washburn—5.

Sen. Maxon moved a call of the Senate, and the call was sustained.

The roll was called, and the following named Senators were absent:

Sen. Ferguson, Hanchett, and Seeley.

Sen. Sweat moved to dispense with further proceedings, under the call;

And the motion was lost.

The Seargeant at Arms proceeded to summon the absentees.

Sen. Hotchkiss moved that the Senate do now adjourn,

And the motion was lost.

Sen. Hutchinson moved to dispense with further proceedings under the call;

The ayes and noes were called for,

And the motion was lost—ayes 15, noes 12:

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Comstock, Cox, Decker Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Sweat, Taylor, Thurbur, and Virgin—15.

Those who voted in the negative, were

Senators A. I. Bennett, Burdick, Curtis, Davis, Ferguson, Masters, Maxon, Phillips, Rodolf, Stewart, Washburn, and Worthington—12.

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Senator Maxon moved that the Senate do now adjourn
The ayes and noes were called for, and
The Senate refused to adjourn—ayes 9, noes 16.
Those who voted in the affirmative were,
Senators A. I. Bennett, Burdick, Gill, Hanchett, H
Hotchkiss, Maxon, Rodolf, Thurbur and Virgin—9.
Those who voted in the negative were
Senators Bartlett, Cox, Curtis, Davis, Decker, Eagan,
Hutchinson, Masters, Phillips, Stewart, Sweat, Taylor,
burn and Worthington—16.
Senator Sweat moved to excuse Senator Hanchett t
o'clock to-morrow morning, and
The Senate refused to excuse.
Senator Hotchkiss asked for leave of absence till 7 o
this evening,
Which was refused.
Sen. Virgin moved that the Senate do now adjourn.
The ayes and noes were called for, and
The motion was lost—ayes 12, noes 15.
Those who voted in the affirmative, were
Senators A. I. Bennett, Burdick, Comstock, Eagan
Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Stewa
Virgin—12.
Those who voted in the negative, were
Senators Bartlett, G. Bennett, Cox, Curtis, Davis, D
Ferguson, Fratt, Masters, Phillips, Sweat, Taylor, Th
Washburn and Worthington—15.
Sen. Rodolf moved to dispense with further proceedin
der the call;
The ayes and noes were called for, and
The motion was lost—ayes 12, noes 15.
Those who voted in the affirmative, were
Senators Comstock, Cox, Decker, Eagan, Hilgen, Hotc
Phillips, Rodolf, Stewart, Sweat, Taylor and Virgin—1
Those who voted in the negative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick,
tis, Davis, Ferguson, Fratt, Gill, Hutchinson, Masters, M
Thurbur, Washburn and Worthington—15.
Sen. Hutchinson asked leave to make a report;
Objection was made.
Sen. Gill moved that the Senate resolve itself into the
mittee of the Whole on the John Brown resolutions;
Ruled out of order.

REPORT OF THE SERGEANT-AT-ARMS.

The Sergeant-at-Arms reports that Sen. Ferguson is
seat, and

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. Hanchett and Seeley cannot be found, diligent inquiry been made.

ASA KINNEY, *Sergeant-at-Arms.*

ator Virgin moved that the Senate do now adjourn.
ayes and noes were called for, and
motion prevailed—ayes 16, noes 12.
se who voted in the affirmative were
ators A. I. Bennett, Burdick, Comstock, Curtis, Eagan, lilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, t, Virgin and Worthington—16.
se who voted in the negative were
ators Bartlett, G. Bennett, Cox, Davis, Decker, Fergu- Fratt, Masters, Sweat, Taylor, Thurbur and Wash -12.
ate adjourned.

FRIDAY, March 2, 10 o'clock, A. M.

ate met.
sident *pro. tem.* in the chair.
yer by the Rev. Mr. Britton.
l called and quorum present,
ding of the journal of yesterday dispensed with.

ACCOUNTS,

sented and referred,
n. Masters:
31. S., account of Joseph Giles, for $75;
ommittee on Claims.
n. Comstock:
32, S., account of A. J. Langworthy, for $58;
ommittee on Claims.

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RESOLUTIONS INTRODUCED.

By Sen. Gill:

No. 62.

Resolved, That the Judiciary Committee be, and they are hereby instructed to prepare a report to the Senate at an early day, a Joint Resolution, which shall provide for so amending the constitution as to abolish the present elective judicial system, and provide that all judges of courts of record shall be appointed by the Governor, by and with the advice and consent of the Senate, and that such judges, when so appointed and confirmed, shall hold their office during good behavior;

Laid over.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred:

By Sen. Washburn:

No. 114, S., remonstrance of W. Brownquest and others against amendments to the charter of the village of Oconto;

To committee on Town and County Organization.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Bartlett:

No. 227, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

To committee on Town and County Organization.

By Sen. Burdick:

No. 228, S., a bill for an act to amend section 12. of chapter 111, of the revised Statutes, entitled "of divorce;"

To Judiciary committee.

By Sen. Hanchett:

No. 229, S., a bill for an act to incorporate the Wisconsin Agricultural and Mechanical Association;"

To committee on Incorporations.

By Sen. Gill:

No. 230 S., a bill for an act to authorize school district No. 1, of the town of Jefferson to raise a tax to build a school house;

To committee on Education, School and University Lands.

By Sen. Decker:

No. 231, S., a bill for an act to amend section 2, of chapter 193, of Private and Local Laws of the year 1859, entitled "an act to incorporate the village of Oconto;"

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committee on Town and County Organization.
. 232, S., a bill for an act to amend section 2, of chapter of the Revised Statutes, entitled "of miscellaneous pro-ngs in civil actions and general provisions;"
Judiciary committee.

n. Hutchinson:
233, S., a bill for an act to amend chap. 83, of Revised es, entitled "of the nature and quality of estates in real ty and the alienation thereof," and chapter 84, of Re-Statutes entitled "of uses and trusts;"
Judiciary committee.

REPORTS OF COMMITTEES.

committee on Public Lands to whom was referred
29, S., a bill for an act to amend chapter 29, of the ed Statutes, entitled "of swamp and overflowed lands;"
ve had the same under consideration and instructed me to the same back, with a recommendation that the bill pass.

J. W. STEWART, *Ch'n.*

committee on State Affairs, to whom was referred
. 219, S., a bill for an act to grant town licenses to trav-auctioneers;
port the same back and recommend that it be referred to udiciary committee.

HUTCHINSON, *Ch'n.*

nate referred said bill,
. 219, S.,
the Judiciary committee.
committee on Education, School and University Lands, om was referred,
. 217, S., entitled "an act to amend chapter 23, of the re-statutes, entitled of common schools;"
ve had the same under consideration, and report the same with an amendment, adding another section, to be num-section 3, and when so amended, its passage is recom-d.

HUTCHINSON, *Ch'n.*

ASSEMBLY MESSAGE CONSIDERED.

lls read first and second times, and referred.
. 378, A., a bill for an act to appropriate to Henry Sei-he sum of $125;
General File.
. 321, A., a bill for an act to provide for the payment of dited accounts;

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To committee on State affairs.

No. 365, A., a bill for an act to provide for the incorpor tion of benevolent, charitable, scientific and literary societie

To committee on Incorporation.

No. 169, A., a bill for an act regulating the rights of mine and persons digging for lead ore;

To Judiciary Committee.

No. 213, A., a bill for an act to amend an act to incorpora the borough of Fort Howard, and the act amendatory theret approved Oct. 13, 1856;

To special committee composed of Senators Decker, Bar lett and Hanchett.

No. 313, A., a bill for an act to amend chapter 88, of t General Laws of 1857, entitled "an act to authorize the estal lishment of a House of Refuge for juvenile delinquents in t State of Wisconsin;"

To committee on Benevolent Institutions.

No. 89, S., a bill for an act for the relief of Nathan B. Lan don and others;

And asks a committee of conference thereon.

Messrs. Boyd, Brooks and Bettis, have been appointed such committee on the part of the Assembly.

The President appointed Senators Phillips and Ferguso said committee on the part of the Senate.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

Bill No. 85, S., a bill for an act to protect the wool growin interests in the State of Wisconsin;

Sen. Thurbur moved to amend as follows:

"Amend section 3, line 4, by inserting after the word de troyed and buried, so that it will read destroyed and buried b them;"

And the motion prevailed.

Sen. Stewart moved a reconsideration of the vote by whic the Senate refused to strike out sections 5 and 6, and

The motion was lost.

Sen. Comstock moved to amend section 10, by insertin after the word "destroyed," in the 3rd line the words "by poiso or otherwise, as they may ordain."

And the motion prevailed.

Sen. Washburn moved to add to the end of section 3, th following: Provided that this section shall not be so construe as to prevent any officer or other person from administerin poison for the destruction of any dog authorized to be destroy ed by the provisions of this act;

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drawn.

Bartlett moved to reconsider the vote by which the Sen-
erday refused to amend by striking out all of section
nted bill after the word "them," in the fourth line of
ion;

he motion prevailed.

Bartlett moved to amend the bill by striking out all
on 3, of printed bill, after the word "them," in the
ne of said section;

he amendment prevailed.

Bartlett moved to amend section 4 of printed bill by
out the words "and without the enclosure or premises
wner of the said dog."

A. I. Bennett moved to amend the amendment by strik-
ll after the word "dollars", in 4th line;

he motion prevailed.

uestion then occurring on adopting the amendment as
,

adopted.

or Maxon moved to amend by striking out sections 5
nd insert the following:

5. The proceeds of monies paid for license, shall be
the Treasurer of the several County Agricultural So-
in counties where agricultural societies are or may be
r organized, to be apportioned for premiums in such
as will encourage the wool growing interest.

is motion, the ayes and noes were called for, and
notion was lost—ayes 9, noes 19.

who voted in the affirmative were

ors A. I. Bennett, Burdick, Gill, Hilgen, Maxon,
Stewart, Virgin and Washburn—9.

who voted in the negative were

ors Bartlett, G. Bennett, Comstock, Cox, Curtis, Da-
cker, Eagan, Ferguson, Fratt, Hanchett, Hotchkiss,
Phillips, Seeley, Sweat, Taylor, Thurbur and Wash-
9.

or Virgin moved to recommit the bill to the committee
culture.

drawn.

or A. I. Bennett, moved to amend by inserting the
six months old and upwards," after the word "dog,"
occurs in line 4, of printed bill, also where it occurs
in printed bill;

he motion prevailed.

or Curtis moved to amend section 1, by inserting after
l "dog," in the fifth line of section 1, of the printed

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bill, the following—*Provided*, that the county boards of sup visors shall fix the sum to be paid for licenses provided for this act in all the counties of this State, the whole of wh lies north and west of the Wisconsin river.

On this motion the ayes and noes were called for, and

The motion was lost—ayes 4, noes 22.

Those who voted in the affirmative, were

Senators Curtis, Maxon, Phillips and Rodolf—4.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdi Comstock, Cox, Davis, Decker, Eagan, Ferguson, Fratt, H chett, Hilgen, Hotchkiss, Masters, Stewart, Sweat, Tay Thurbur, Virgin, Washburn and Worthington—22.

Senator Virgin, moved to recommit the bill to the se committee to whom was referred the county commissioner

On this question the ayes and noes were called for, a

The motion was lost—ayes 4, noes 20.

Those who voted in the affirmative were

Senators Hotchkiss, Maxon, Phillips and Virgin—4.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burd Comstock, Cox, Curtis, Davis, Decker, Eagan, Fergu Fratt, Masters, Rodolf, Stewart, Sweat, Taylor, Thur Washburn and Worthington—20.

Senator Comstock moved to reconsider the vote by w the Senate adopted his amendment to section 10, and

The motion prevailed.

The question occurring on the adoption of the said am ment,

The amendment was lost.

Senator Stewart moved to amend by inserting in lieu of word "collar," in the first line of section 2, the words "met collar," and inserting at the end of said line, the words " different color from the dog."

Pending which,

Senator Gill moved, as a substitute to the amendment following—"amend section 2, by adding after the word "ne in the first line, these words, to wit, "and a bell atta thereto of at least two pounds weight;"

And the amendment was lost.

The question occurring on the adoption of the ori amendment;

Sen. Worthington called for a division of the quest on; a division was ordered.

Pending which,

Sen. Ferguson moved that the Senate do now adjourn;

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And the motion was lost.

Sen. Washburn moved the previous question;

And the motion was sustained.

The question being, "shall the main question be now put?"

The previous question was ordered.

The question being on the adoption of the first part of Sen. Stewart's amendment;

Which is as follows:

"Amend, by inserting, in lieu of the word "collar," in the first line of section 2, the words "metallic collar;"

The amendment was lost.

The question then occurred on the adoption of the second part of Sen. Stewart's amendment;

Which is as follows:

And inserting at the end of said line, the words, "of a different color from the dog;"

And it was lost.

The question then occurred on ordering the bill engrossed for a third reading;

And the ayes and noes were called for;

Pending which Sen. Gill moved a call of the Senate.

Ruled out of order.

The question recurring on ordering the bill engrossed for a third reading;

The ayes and noes were called, and the bill was so ordered —ayes 20, noes 8.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hanchett, Masters, Phillips, Seeley, Stewart, Sweat, Taylor, and Worthington—20.

Those who voted in the negative, were

Senators Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Thurbur, Virgin and Washburn—8.

Sen. A. I. Bennett asked leave of absence for Sen. Hutchinson, for one week;

Granted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to inform you that the Assembly has concurred in the passage of

No. 14, S., a bill for an act to prescribe the duties of the Secretary of State in certain cases, and to repeal chapter 155,

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of the General Laws of 1858, entitled "an act provid
the appointment of a comptroller, and prescribing his d
With amendments.

And,

No. 17, S., a bill for an act to repeal chapter 201,
General Laws of 1859, entitled "an act to remit certain
ties imposed by section 59, chapter 26, of Revised St
entitled 'of school and university land;'"

And,

No. 87, S., a bill for an act to legalize the proceed
the district board of school district No. 5, of the town of
ville, Grant county;

Without amendment.

I am also directed to inform you that the Assembly
the following bills, viz:

No. 86, A., a bill for an act to authorize the laying o
State road from Viroqua to Victoria, in Bad Ax county

No. 165, A., a bill for an act to incorporate the vi
Pepin;

No. 334, A., a bill for an act for the relief of settle
the even sections of Fox and Wisconsin River Impro
Company;

No. 343, A., a bill for an act to provide for laying out
road from Shawanaw to the State line;

And,

No. 33, A., a bill for an act to lay out a State ro
Stevens Point to Eau Claire;

No. 290, A., a bill for an act to appropriate to Hi
& Co., the sum of $1,242 25;

No. 414, A., a bill for an act to postpone the sale o
for unpaid taxes in the county of Richland;

And asks the concurrence of the Senate in the same.

I am directed to present to you for signature

No. 48, S., a bill for an act to amend an act to pre
sale of unripe cranberries, approved March 17, 1859;

No. 122, S., a bill for an act to authorize the Bank
neka to reduce its capital stock;

No. 126, S., a bill for an act to authorize the Norther
to reduce its capital;

No. 118, S., a bill for an act to authorize the Bank
lumbus to reduce its capital stock;

No. 121, S., a bill for an act to authorize the Lumb
Bank to reduce its capital stock;

No. 107, S., a bill for an act to amend section 1, of
166, of the Revised Statutes, entitled "of forgery an
terfeiting;"

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189, S., a bill for an act to extend the time for the col-
n of taxes in the town of Union, in the county of Rock;
88, S., a bill for an act to authorize the issuing of pat-
o deceased persons in certain cases;
l
137, S., a bill for an act to authorize the commissioners
ool and university lands to assign a certain mortgage;
ich have been signed by the Speaker.
Assembly has passed
s. No. 24, A.,
viding for printing of the Governor's Message of the 28th
ary;
l asks the concurrence of the Senate in the same.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, February 29, 1860.

Senate:

following entitled bills, originating in the Senate, have
lly received the Executive signature, and have been de-
d in the office of the Secretary of State:
72, an act to appropriate to Alexander W. Randall,
rnor of the State of Wisconsin, the sum of $10,000 as a
gent fund for the year A. D. 1860.
7, an act to authorize the members and officers of the
lature to take newspapers at the expense of the State, and
vide for the payment therefor.
48, an act to amend chapter 97, of the laws of 1849,
the charter of Carroll College.
95, an act to appropriate to James Livesey the sum of
56.
102, an act to appropriate to Hudson Fox the sum of
00.
108, an act to appropriate to John D. Welch the sum of
0.
131, an act to appropriate to Candee, Dibble & Co. the
f $235 38.
141, an act to appropriate to Alex. McDowell the sum
4 90.
154, an act to appropriate to Simon Sekles the sum of
0.
morial to Congress for a daily mail route from the village
ke Mills to the village of Jefferson, in the county of Jef-
n, Wisconsin;
56, an act to authorize the Mechanics' Bank, Green

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Lake, to remove to the village of Whitewater, Walworth cou
ty;

No. , an act relating to the publication of legal notices;

No. , an act to amend chapter 205, of the General La
of 1859, entitled "an act to repeal so much of chapter 28,
the Revised Statutes, as authorizes or directs the appraisal
the school or university lands," approved March 21st, 1859;

No. 78, an act to cede jurisdiction of the United States ov
certain tracts of land in the counties of Brown, Kewaun
Oconto and Door;

No. 84, an act to confer powers upon the committee of l
vestigation into the financial affairs of the county of Dane;

No. 91, an act to amend subdivision 3, section 45, chap
23, of the Revised Statutes, entitled "of common schools;"

No. 94, an act to autho.ize the Oakwood Bank to reduce
capital stock;

No. 101, an act to amend charter 263, of the Private a
Local Laws of 1857, entitled "an act to incorporate the Mu
co da and Richland Bridge Company;"

No. 103, an act to authorize the Green Bay Bank to redu
its capital, and remove its place of business;

No. 163, an act to amend chapter 252, of the Local Laws
1858, entitled "an act to amend an act entitled 'an act to
corporate the city of La Crosse,'" approved March 14, 185

No. 58, an act to confer certain powers upon the trustees
the village of Monroe;

No. 153, an act to appropriate to A. L. Burke the sum
$264 20;

No. 187, an act to extend the time for the collection of Sta
and county taxes in the city of Janesville.

ALEX. W. RANDALL.

Sen. Hotchkiss moved a call of the Senate, and

The call was sustained.

The roll was called and the Senators were all present.

Sen. Fratt moved a suspension of all rules in order to p
upon the passage bills

Nos. 35 and 49, A., and Nos. 116 and 218, S.;

And the motion prevailed.

Sen. Burdick moved a suspension of all rules, in order to p
upon their passage all the bills in the General File, and

The motion was lost.

The question occurring on the passage of bill

No. 35, A., a bill for an act to change the name of Lucy Be
and to establish her guardianship and heirship;

Sen. Hotchkiss moved to amend as follows:

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out all of the words in the first line of sec. 1, after
s "Lucy Bell;"
ne motion prevailed.
uestion then occurring on ordering to a third reading,
s amended,
ll was so ordered and read.
uestion then occurring on the passage of the bill,
ves and noes were called for, and
ssage was concurred in—ayes 17, noes 6-
who voted in the affirmative were:
rs Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-
ox, Curtis, Davis, Decker, Fratt, Hanchett, Hotchkiss,
Taylor, Thurbur, Virgin and Washburn—17.
who voted in the negative were:
rs Eagan, Gill, Hilgen, Maxon, Rodolf and Worthing-

uestion then occurring on the passage of bill
), A., a bill for an act concerning mortgages to the
School Lands in the city of Racine;
ill was ordered to a third reading, read and
assage concurred in.
uestion then occurring on the passage of bill
116, S., a bill for an act to authorize the Secretary of
audit the annual appropriation to county Agricultural
s;
ill was ordered to a third reading, read and passed,
uestion then occurring on the passage of bill
18, S., a bill for an act to amend chap. 104, of the Pri-
l Local Laws of 1858, relating to a certain state road
named.
ill was ordered to a third reading, read and passed.
otion of Sen. Maxon:
Senate adjourned till four o'clock this afternoon.

---

4 o'clock, P. M.

e met.
dent pro tem. in the chair.
called and quorum present.

REPORTS OF COMMITTEES.

oint committee on Enrolled bills, report that on the 2d
nst., they presented to the Governor for his approval
owing bill, viz :

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No. 137, S., a bill for an act to authorize the commissioners of school and university lands to assign a certain mortgage;

No 126, S., a bill for an act to authorize the Northern Bank to reduce its capital;

No. 118, S., a bill for an act to authorize the Bank of Columbus to reduce its capital stock;

No. 121, S., a bill for an act to authorize the Lumberman's Bank to reduce its capital stock;

No. 107, S., a bill for an act to amend section 1, of chapter 166, of the Revised Statutes, entitled "of forgery and counterfeiting;"

No. 122, S., a bill for an act to authorize the Bank of Moneka to reduce its capital;

No. 48, S., a bill for an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17, 1859;

No. 89, S., a bill for an act to extend the time for the collection of taxes in the town of Union, in the county of Rock;

No. 88, S., a bill for an act to authorize the issuing of patents to deceased persons in certain cases.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assem. Com.*

The joint committee on Enrolled Bills, report that they, on the 1st inst. presented to the Governor for his approval the following bills:

No. 40, A., a bill for an act to provide for filling vacancies in the office of judge and clerk of the municipal court in the city and county of Milwaukee;

No. 30, A., a bill for an act authorizing the county board of St. Croix county, to lay out a road from Hudson in said county to the west boundary of Dunn county and to make certain appropriations therein named;

No. 75, A., a bill for an act for the relief of settlers on the sixteenth section, town twenty-six, range fifteen, in Shawano county;

No. 101, A., a bill for an act to amend chapter 46, of General Laws of 1859, entitled an act for the formation of Town Insurance Companies;

No. 111, A., a bill for an act to reduce the capital stock of the Bank of Manitowoc;

No. 127, A., a bill for an act to reduce the capital stock of the Farmers' and Millers Bank of Milwaukee;

No. 124, A., a bill for an act to permit the Dodge County Bank to reduce its capital stock;

No. 187, A., a bill for an act to amend section 15, of

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ter 10, of an act entitled an act to incorporate the city Beaver Dam, approved March 18th, 1856;

o. 74, A., a bill for an act authorizing the county board Douglas county to lay out, establish and improve a road ng from Superior through unsettled portions of the State to appropriate money thereupon;

o. 346, A., a bill for an act to amend an act entitled ct to incorporate the city of Madison, and the several amendatory thereto.

C. MILLER, *of Assem. Com.*
GEO. BENNETT, *of Sen. Com.*

he committee on Enrolled Bills report that they have ex ed the following bills, and find the same correctly enrolled:

o. 87, S., a bill for an act to legalize the proceedings of the ict board of school district No. 5, of the town of Platte-, Grant county;

o. 17, S., a bill for an act to repeal chapter 201, of the eral Laws of 1859, entitled "an act to remit certain pen- s imposed by sec. 59, chap. 26, of the Revised Statutes, led of school and university land."

GEO. BENNETT, *Ch'n.*

he committee on Incorporations report back
ill No. 194, S.,
ith an amendment;
nd recommend the passage of said bill when so amended.

M. W. SEELEY, *Ch'n.*

he committee on Judiciary, to whom was referred
o. 209, S., a bill for an act to amend sec. 106, of chap. 28, he Revised Statutes, entitled "of the school and universi- nds;"
ave had said bill under consideration, and herewith rt the same back, with the recommendation that it pass.
id committee have also had under consideration
o. 338, A., a bill for an act for the relief of settlers on . quarter of sec. 16, T. 26, R. 16, in Shawanaw county;
nd
o. 253, A., a bill for an act to legalize the official acts of ard T. Chase, of justice of the peace in the county of e;
nd report said bill back without recommendation.

HANCHETT, *Ch'n.*

he committee of conference, to whom was referred the dis- eing vote of the two houses on
o. 89, S., a bill for an act for the relief of Nathan B. gdon and others;

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Have had the subject under consideration, and unanimously recommend that the bill be amended by striking out "three dollars and fifty cents," wherever it occurs in the bill, and inserting "two dollars and fifty cents."

JOHN BOYD,
B. L. BETTIS,
W. H. BROOKS,
of Assembly.
E. L. PHILLIPS,
BEN. FERGUSON,
of Senate.

The question occurring on the adoption of the report of the committee;

The ayes and noes were called for, and the Senate refused to adopt the report—ayes 13, noes 14:

Those who voted in the affirmative, were

Senators Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Taylor and Thurbur—13.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin, Washburn and Worthington—14.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred.

No. 414, A.:

Was referred to committee on Public Lands.

No. 290, A.;

Ordered to general file.

No. 334, A.,

To Judiciary committee.

No's. 33, 86, and 343, A.;

To committee on Roads, Bridges and Ferries.

No. 165, A.;

To committee on Incorporations.

No. 14, S.;

With an amendment;

And the Senate concurred in the amendment.

J. Res. No. 24, A.;

Providing for printing of the Governor's message of the 28th Feb. inst.

Sen. Hutchinson moved to indefinitely postpone the further consideration of the resolution.

The ayes and noes were called for and the motion prevailed —ayes 16, noes 11.

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Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Rodolf, Seeley, Stewart, Sweat, Virgin and Worthington—16.

Those who voted in the negative, were

Senators Decker Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Thurbur and Washburn—11.

On motion of Sen. Seeley,

The Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file.

Sen. Stewart in the Chair.

After some time spent therein the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 65, A., a bill for an act to repeal chap. 168, of the General Laws of 1859, entitled "an act to provide for and defining the mode of assessing the value of lands appropriated by any railroad company, and damages resulting from the location, construction and operation of its line of road in this State."

No. 299, A., a bill for an act to appropriate to Andrew Bishop the sum of $52.

No. 276, A., a bill for an act to appropriate to S. B. Scott, assignee of Berliner & Bruno, the sum of $650.

No. 300, A., a bill for an act to appropriate to George Theis the sum of $73,75.

No. 309, A., a bill for an act to appropriate to Amasa Cobb the amount of $66,88.

M. C. No. 3, A., memorial to the Post Master General of the United States for reinstatement of weekly mail service on mail route 13,088 from Bayfield, in La Point county, to Chippewa Falls, in the county of Chippewa.

No. 177, A., a bill for an act to amend section 3, of chapter 116, of the Revised Statutes, entiled "of circuit courts;"

No. 192, A., a bill for an act to amend chapter 95, of the General Laws of 1859, entitled "an act conferring jurisdiction on the county court of Bad Ax county;"

No. 194, A., a bill for an act to incorporate Fountain City social gymnastic association;

No. 200, A., a bill for an act to repeal an act, entitled "an act to amend chapter 59, of the Local Laws of 1855, entitled an act to incorporate the Beloit Gas Light and Coke Company;"

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No. 233, A., a bill for an act providing additional terms of the circuit court for the county of Racine;

No. 113, S., a bill for an act to authorize the Secretary of State to audit certain moneys to the county of Green Lake;

No. 149, S., a bill for an act to amend chap. 85, of the Revised Statutes, entitled "of excise;"

No. 186, S., a bill for an act to provide for equalizing and apportioning State and county taxes among towns, cities and incorporated villages, for the year 1860;

No. 139, S., a bill for an act relating to the duties of registers of deeds;

No. 181, S., a bill for an act to amend chap. 22, of the Revised Statutes, entitled "of academies and normal schools;"

No. 150, S., a bill for an act to amend chap. 86, of the Revised Statutes, entitled "of alienation by deed, of the proof and recording of conveyances, and the canceling of mortgages;"

No. 76, S., a bill for an an act to amend an act approved March 11, 1859, entitled "an act to amend an act to incorporrate the village of Horicon," approved March 29, 1855;

No. 81, S., a bill for an act to amend an act to incorporate the Yellow River Improvement Company, approved March 2d, 1857;

With the recommendation that they do pass.

No. 193, A., a bill for an act to provide for special terms of the circuit court in the county of Trempeleau;

With the recommendation that it lie on the table.

No. 156, A., a bill for an act to amend sec. 16, of chap. 35, of the Revised Statutes, entitled "of excise;"

No. 199, A., a bill for an act to amend sec. 8, of chap. 86, of the Revised Statutes, entitled "of alienation by deed, of the proof and recording of conveyances, and the canceling of mortgages;"

No. 297, A., a bill for an act to legalize the sale of lands for unpaid taxes in the county of Trempeleau;

No. 288, A., a bill for an act to amend section 25, of chapter 121, of the Revised Statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein;"

No. 152, S., a bill for an act to amend chapter 134, of the Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

With the recommendation of indefinite postponement.

No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"

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. 119, S., a bill for an act to authorize John D. Trum-
o keep and maintain a ferry across Lake Pepin, in the
y of Pierce;
th amendments,
d recommend to pass when so amended.

REPORT CONSIDERED.

ls No's. 113, 186, 139, 181, 149, 150 and 76, S.,
re ordered engrossed for a third reading.
ls No's. 276, 299, 300, 309, 65, 177, 192, 194, 200 and
A.,
re ordered to a third reading.
C. No. 3, A.,
s ordered to a third reading.
. 193, A.,
as laid on the table.
. 152, S., and 156, 199, 297, and 288, A.,
ere indefinitely postponed.
's. 105 and 119, S.,
ith amendments;
mendments were concurred in, and
ne bills, as amended, were ordered engrossed for a third
ing.
o. 81, S.,
enator Curtis offered an amendment to the bill, and
ne amendment was adopted.
n motion of Senator Rodolf,
l rules were suspended in order to pass bills
os. 414, A., and 114, S.
enators Seeley and Hilgen asked leave of absence till next
day evening;
ranted.
enator Gill moved that the Senate do now adjourn, and
ne motion was lost.
ne question occurring on the ordering to a third reading,
aid bill No. 414, A.,
ne bill was ordered to a third reading,
ead, and the passage concurred in.
he question then occurring on ordering to a third reading,
bill
o. 114, S.,
enator Worthington moved to amend by inserting "six" in-
d of "five" in sec.
ending which,
enator Gill moved a call of the Senate, and

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The call was sustained.
The roll was called, and
The following Senators were absent without leave :
Senators Hanchett, Hotchkiss and Thurber.
Senator Virgin moved that further proceedings under the c
be dispensed with, and
The motion prevailed.
Senator Egan moved that the Senate do now adjourn;
The ayes and noes were called for, and
The motion was lost—ayes 12, noes 13.
Those who voted in the affirmative were
Senators Curtis, Eagan, Ferguson, Gill, Hilgen, Maxc
Phillips, Rodolf, Sweat, Taylor, Virgin and Washburn—12.
Those who voted in the negative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Co
stock, Cox, Davis, Decker, Fratt, Hutchinson, Masters, Ste
art and Worthington—13.
Sen. Egan asked leave of absence for the remainder of to-da
Granted.
Sen. Hutchinson moved to reconsider the vote by which t
Senate to-day indefinitely postponed bill
No. 297, A.,
Pending which,
On motion of Sen. Phillips,
The Senate adjourned.

SATURDAY, March 3, 10 o'clock, A. M

Senate met.
President *pro tem.* in the chair.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

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LETTERS, PETITIONS, MEMORIALS, &c.,

ented and referred:
n Cox:
115, S., petition of L. Richards and 200 others, asking
age charter for the village of Pepin, in Pepin county;
ommittee on Incorprations.
nator Davis:
116, S., remonstrance of A. J. Turner and 194 others,
s of Portage, against the repeal of an act authorizing the
out of a State road from Portage to Prairie du Sac;
ommittee on Roads, Bridges and Ferries.
nator Davis:
117, S., remonstrance of Thomas Robertson and sixty
citizens of Columbia county, against repeal of an act
ng for laying out of a State road from Portage to Prai-
Sac;
ommittee on Roads Bridges and Ferries.
tor Curtis asked leave of absence for Senators Burdick
asters till Monday evening next;
nted.
tor Taylor asked leave of absence for Senator Fratt till
y evening next;
nted.

LUTIONS INTRODUCED AND CONSIDERED.

Sen. Sweat.
No. 63, S.,
olved, That when the Senate adjourns to-day, it adjourns
t on Monday next, at 4 o'clock, P. M;
pted.
n. Eagan:
64, S.;
olved, That 500 copies of the report of the Finance
ttee, relating to the interest on money, be printed for
e of the Senate;
this resolution the ayes and noes were called for, and
resolution was adopted—ayes 12, noes 8.
se who voted in the affirmative, were
tors A. I. Bennett, Decker, Eagan, Ferguson, Gill,
kiss, Phillips, Rodolf, Stewart, Sweat, Taylor and Thur-
2.
se who voted in the negative were.
ators Bartlett, G. Bennett, Cox, Curtis, Hanchett, Vir-
Vashburn and Worthington—8.

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By Sen. Stewart:

J. Res. No. 16, S.,

Whereas, There is annually drawn by the permanent appr priations from the State treasury, many thousand dollars f the incidental expenses, postage, printing, and salaries of of cers of the Wisconsin State Historical Society, and

Whereas, It is a question of doubt, at least, whether t State has any interest in the property or management of th said Society, therefore

Resolved, by the Senate, the Assembly concurring, That joint select committee, consisting of two members of t Senate, and three members of the Assembly be appointed inquire into and report what interest the State has in the pr perty of said Society, and (if deemed proper) to report by b to the end that the same may be more clearly defined, and deemed proper that the said appropriation be reduced or r pealed;

Laid over.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. A. I. Bennett:

No. 234, S., a bill for an act to extend the time for the sa of lands for unpaid taxes in the county of Richland;

On motion of Senator A. I. Bennett,

All rules were suspended in order to put said bill upon i passage.

Sen. Sweat moved to amend so as to include the county Dane in the provisions of the bill, and

The amendment was accepted.

Sen. Curtis moved to amend so as to ihclude the counties Sauk, Juneau and Adams, in the provisions of the bill, and

the amendment was accepted.

Sen. Phillips moved to so amend the bill as to include in provisions all the counties in the State;

Pending which,

On motion of Sen. Virgin,

The bill was referred to the committee on Finance.

By committee on Banks and Banking:

No. 235, S., a bill for an act to amend chapter 71, of the R vised Statutes, entitled "of the incorporation of banking a sociations;"

To the general file.

No. 236, S., a bill for an act to amend chapter 22, of t General Laws of 1859, entitled "an act relative to the sale

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r unpaid taxes and the conveyance and redemption
"

A. I. Bennett moved that all rules be suspended ln or-
ass said bill, and
notion prevailed.
bill was then ordered to a third reading, read, and

REPORTS OF COMMITTEES.

ommittee on Roads, Bridges and Ferries, to whom was
bill
43, A., a bill for an act to provide for laying out a
d from Shawanaw to the State line.
had the same under consideration and respectfully re-
same back to the Senate with an amendment, and re-
l its passage when so amended.

RODOLF, *Ch'n pro tem.*

ommittee on Banks and Banking, in obedience to a
n of the Senate, adopted March 1st, 1860, herewith re-
bill to be submitted to the electors of this State at the
eral election, amending the banking law so as to reduce
s of interest from ten per centum to seven per centum."

D. WORTHINGTON, *Ch'n.*

committee on Engrossed Bills have examined and com-
e following bills, and find the same correctly engrossed,

05, S., a bill for an act to amend chapter 52, of the
Laws of 1859, entitled "an act relating to the Dane
ourt;"
19, S., a bill to authorize John D. Trumble to keep
ntain a ferry across lake Pepin, in the county of Pierce;
5, S., a bill for an act to protect the wool-growing in-
f the State of Wisconsin;
1, S., a bill for an act to amend an act entitled "an
corporate the Yellow River Improvement Company,"
l March 2, 1857;
14, S., a bill for an act to provide for the purchase of
copies of Webster's Dictionary, for the supply of defi-
ool districts of the State.

C. COMSTOCK, *Ch'n.*

ailroad committee to whom was referred,
85, S., a bill for an act to authorize the formation of
corporations, and regulate the same;
considered the same, made some slight amendments,
mmend the passage as amended;

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Also

No. 183, S., a bill for an act to promote the construction of horse railroads in the city of LaCrosse;

Has been considered, and I am directed to report the same back, without recommendation.

Also

No. 211, A., a bill for an act authorizing the county of Brown to aid in the construction of the Green Bay and Madison railroad;

Has been considered, and I am directed to report the same back without recommendation.

PHILLIPS, *Ch'n.*

The committee on Finance report back

No. 224, S.;

And recommend that it be laid on the table.

Said committee report a bill

No. 226, S.;

And recommend its passage.

A. I. BENNETT, *Ch'n.*

Senate laid on the table, said bill

No. 224, S.;

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present for your signature:

An act to detach certain territory now included in school district of the city of Beaver Dam, and to attach the same to school district No. 5, of the town of Beaver Dam, in Dodge county.

An act to authorize the town of Half Moon, in the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river, in said town;

An act to amend chapter 132 of the Private and Local Laws of 1859, entitled "an act to amend an act, entitled an act to incorporate the city of Beaver Dam;"

An act to amend sections 2 an 3, of chapter 67, of the Private and Local Laws of 1859, entitled "an act to incorporate the LaPointe Iron Company," approved March 5th, 1859;

An act to extend the time for the collection of taxes in the city of Portage;

An act to amend chapter 73, of the Revised Statutes, entitled "of joint stock companies;"

An act to amend chapter 197, of the Private and Local Laws of 1859, entitled "an act to incorporate the city of Buffalo;"

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act to incorporate the Eau Claire Manufactering and ng Company.

'RESIDENT:

n directed to inform you that the Assembly has passed:

291, A., a bill for an act conferring jurisdiction on the Court of Winnebago county;

73, A., a bill for an act to authorize the laying out of a road from Prairie du Chien to La Crosse;

409, A., a bill for an act to provide for the payment of outstanding indebtedness against the swamp land fund. hich the concurrence of the Senate is requested.

also directed to inform you that the Assembly has con- in the adoption of

.. No. 15, S., instructing the committee on Benevolent tions to report a bill in regard to the State hospital for ane.

ASSEMBLY MESSAGE CONSIDERED.

read first and second times, and referred.

291, A.;

Judiciary committee.

73, A.;

committee on Roads, Bridges and Ferries.

409, A.;

committee on Public Lands.

ESSAGE FROM SECRETARY OF STATE.

MADISON, March 2, 1860.

BUTLER G. NOBLE,

Lieut. Gov. and President of the Senate:

—In compliance with section 2, of chapter 91, General of 1858, being part of chapter 79, of the Revised Stat- 1858, I have the honor to transmit the accompanying collected from the reports of the railroad companies, for ar 1859.

Very respectfully,

EDWARD ILSLEY,

Ass't Se'y of State.

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Tabular Statement of the Annual Reports of the several Railroad Companies in the State of Wisconsin as made to the Secretary of State during the month of February, 1860, *in accordance with the provisions of Chapter* 91, *of the General Laws of* 1858, *showing their operations for the year ending December* 31*st*, 1859 :

Name of Road.	LENGTH OF ROAD IN MILES.					COST OF ROAD.			
	In Operation.	Single Track.	Double Track.	Side Track.	Weight Rail per y'd.	Capital Subscribed.	Capital Paid in.	Capital Unpaid.	Right of Way.
Chicago & North Western,....	193½	193½	.....	.....	.....	.....	.....	.....	.....
Fox River Valley,.....	.....	.....	.....	.....	.....	$242,100 00	$148,621 84	$9 ,478 16	$5,145 25
Fox Lake,.....	2⅛	2⅛	.....	.....	.....	10,000 00	9,822 35	.....	.....
Kenosha, Rockford & Rock Is.	26	26	1	.....	.....	.....	409,759 40	25,280 60	3,857 50
Milwaukee & Mississippi,....	234⅜	233⅜	.....	28¾	.....	3,810,600 00	3,686,812 66	123,787 34	h232,185 04
Milwaukee & Chicago,.....	40	40	.....	.....	.....	.....	1,000,000 00	.....	.....
Mineral Point,..... ...	32	32	.....	8	.....	706,000 00	666,401 83	39,598 17	5,297 37
Milwaukee & Minnesota,.....	200	200	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Horicon,.....	42	42	.....	.....	.....	.....	1,335,368 00	.....	9,625 85
Mil., Wat. & Baraboo Valley,..	76	76	.....	f 3	.....	146,200 00	133,442 56	12,757 44	8,434 40
Racine & Mississippi,..... ...	68¾	68¾	.....	.....	.....	.....	.....	.....	.....
Sheboygan & Mississippi,.....	14	14	.....	.....	50 to 56 lbs	618,400 00	583,029 80	35,370 20	36,944 11
Superior & State Line, ...	.....	.....	.....	.....	.....	50,000 00	2,000 00	.....	.....
s St. Croix & Lake Superior,..	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Central,.....	91⅛	91⅛	.....	.....	.....	568,280 00	511,184 28	57,095 72	17,567 46
r Milwaukee & Northern Ill.,.	.....	.....	.....	.....	.....	242,100 00	148,621 84	93,478 16	5,145 25
Total,.....	958⅛	958⅛	1	34¾	.....	$6,393,680 00	$8,635,046 56	$480,845 79	324,202 23

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	COST OF ROAD—*continued.*							
	Bridging.	Grading.	Iron.	Building.	Engineering.	Miscellaneous.	Total Cost.	Am't due the Corporation.
Chicago & North Western,	.....	.....	.....	.....	.....	.....	*a* 550,000 00	.....
Fox River Valley,	6,420 35	51,613 25	.....	.....	10,710 46	31,996 10	*e* 105,885 41	.....
Fox Lake,	.....	.....	.....	.....	.....	.....	13,815 39	.....
Kenosha, Rockford & Rock Is.,	229,075 24	*g* 202,920 23	.....	.....	22,978 01	80,463 90	539,294 88	14,103 83
Milwaukee & Mississippi,	426,419 10	1,468,856 83	*i* 2,168,543 79	288,621 49	98,180 03	3,443,032 89	8,125,839 17	78.733 36
Milwaukee & Chicago,	.....	.....	.....	.....	.....	.....	1,832,850 09	*k* 31,611 12
Mineral Point,	12,727 95	169,220 67	433,000 00	16,043 39	.....	897,710 62	1,534,000 00	.....
Milwaukee & Minnesota,	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Horicon,	.....	368,589 08	316,587 77	17,471 13	.....	669,117 12	1,381,390 95	505,257 54
Mil., Wat. & Baraboo Valley,	2,714 06	152,542 16	33,167 25	.....	.....	*p* 1,290,643 87	1,487,501 74	5,400 11
Racine & Mississippi,	.....	.....	.....	.....	.....	.....	.....	.....
Sheboygan & Mississippi,	31,215 50	315,214 09	136,000 00	49,800 00	67,300 00	118,081 29	754,554 99	.....
Superior & State Line,	.....	.....	.....	.....	364 62	150 00	514 62	.....
s St. Croix & Lake Superior,	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Central,	11,814 94	281,045 73	33,521 26	796 25	.....	162,941 85	507,687 49	57,095 72
r Milwaukee & Northern Ill.,	6,420 35	51,613 25	.....	.....	10,710 46	31,996 10	*e* 105,885 41	.....
Total,	726,807 49	3,061,615 29	3,120,820 07	372,732 26	210,243 58	6,726,133 74	16,939,220 14	692,201 68

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	INDEBTEDNESS.						
	1st Mortgage.	2d Mortgage.	3d Mortgage.	City, Town or County Bonds.	Other Secured Indebtedness.	Insecured Indebtedness.	Total Indebtedness.
Chicago & North Western,	4,850,000 00	2,000,000 00	.....	.....	.....	.....	.....
Fox River Valley,	.....	.....	.....	.....	.....	18,086 12	*f* 18,086 12
Fox Lake,	.....	.....	.....	.....	.....	.....	3,492 07
Kenosha, Rockford & Rock Island,	700,000 00	.....	.....	250,000 00	.....	162,956 24	1,112,956 24
Milwaukee & Mississippi,	2,643,000 00	600,000 00	385,750 00	300,000 00	280,434 80	589,520 77	4,798,705 57
Milwaukee & Chicago,	400,000 00	200,000 00	.....	.....	.....	245,777 02	845,777 02
Mineral Point,	320,000 00	320,000 00	.....	.....	.....	8,000 00	648,000 00
Milwaukee & Minnesota,	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Horicon,	413,000 00	5,000 00	.....	459,900 00	268,000 00	209,711 68	1,355,611 68
Milwaukee, Wat. & Baraboo Valley,	310,000 00	700,000 00	118,000 00	.....	200,000 00	170,936 35	1,498,936 35
Racine & Mississippi,	680,000 00	.....	.....	.....	353,765 65	39,340 80	1,073,106 45
Sheboygan & Mississippi,	*q* 168,500 00	.....	.....	.....	.....	.....	168,500 00
Superior & State Line,	.....	.....	.....	.....	.....	.....	.....
s St. Croix & Lake Superior,	.....	.....	.....	.....	.....	.....	.....
Wisconsin Central,	693,000 00	.....	.....	.....	117,900 00	51,711 71	862,611 71
r Milwaukee & Northern Illinois,	.....	.....	.....	.....	.....	18,086 12	*f* 18,086 12
Total,	11,177,500 00	3,825,000 00	503,750 00	1,009,900 00	1,220,100 45	1,514,126 81	12,403,869 33

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	PASSENGERS.				RECEIPTS.					
	Through per mile.	Way per mile.	Number of Thro' Pass	Number of Way Pass.	Transportation of Passeng'rs	Transportation of Mails.	Transportation of Property.	Other sources.	Total Receipts.	Total Earnings.
Chicago & Northwestern,..	3⅛	3⅛	692½	79,732½	107,684 22	7,622 74	163,938 04	550,000 00	829,245 00	.....
Fox River Valley,.....	....	....	.....	.....	.....	.....	.....	.....	.....	.....
Fox Lake,.....	....	....	1,896	.....	.....	.....	.....	.....	.....	.....
Kenosha, Rockford & R. I..	....	3	.....	2,269½	1,636 07	.....	3,616 23	.....	5,252 30	.....
Milwaukee & Mississippi,..	2½	3⅓	12,598	123,761	210,973 05	16,982 53	512,318 25	118,846 89	859,120 72	746,498 78
Milwaukee & Chicago,,....	2⅔	3½	61,148	50,021½	94,251 46	3,976 49	37,031 81	4,656 87	139,916 63	.....
Mineral Point,.....	4	4½	4,551	2,385	7,150 54	2,250 78	19,549 36	.....	28,950 68	.....
Milwaukee & Minnesota,...	2¾	3½	15,046	103,869	243,374 13	20,150 00	400,738 34	1,231 09	665.493 56	.....
Milwaukee & Horicon,.....	3⅛	4	5,806	16,024	7,563 61	1,254 16	9,370 67	55,624 30	73,812 74	.....
Mil., Watertown & Bar. Val.	3½	3½	1,442	24,336	27,262 47	2,565 21	111,280 98	97,895 43	239,004 09	.....
Racine & Mississippi,.....	3	3	1,697	39,645	22,554 39	2,268 96	52,456 60	99 96	77,379 91	.....
Sheboygan & Mississippi,..	....	3½	.....	9,084	2,442 38	.....	1,281 61	.....	3,723 99	.....
Superior and State Line,..	....	....	.....	.....	.....	.....	.....	.....	.....	.....
St. Croix & Lake Superior,.	....	....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Central,.....	....	....	.....	.....	.....	.....	.....	612,516 62	612,516 62	.....
Milwaukee & North. Ill....	....	....	.....	.....	.....	.....	.....	.....	.....	.....
Total, ...	....	....	104,376½	451,127½	724,892 32	57,070 86	1,311,581 89	1,440,871 16	3,534,416 24	746,498 78

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	FREIGHT.		EXPENDITURES.					
	Tons.		Right of Way.	Repairs of Road.	Buildings.	Engines.	Cars.	Fuel.
Chicago & Northwestern,	77,026	.....	.....	.....	2,067 72	b 20,097 77	.....	27,373 36
Fox River Valley,	.....	.....	.....	.....	.....	.....	.....	.....
Fox Lake,	4,576	.....	.....	.....	.....	.....	.....	.....
Ken., Rockford & Rock Island,	1,162¾	95 3-10 cords,	.....	2,256 85	1,383 33	27,436 92	20,932 13	1,233 57
Milwaukee & Mississippi,	160,431¾	.....	11,542 39	.....	.....	.....	.....	.....
Milwaukee & Chicago,	33,960½	.....	.....	16,738 72	595 91	5,768 76	7,281 45	6,352 43
Mineral Point,	10,354½	583 cords. 2382¼m.lum.	.....	6,137 01	54 89	3,919 17	.....	2,735 29
Milwaukee & Minnesota,	167,397¼		.....	68,714 64	5,303 72	50,212 41	45,259 25	35,510 24
Milwaukee & Horicon,	6,268	9,955 bbls. 611,711 bush. 882½m.lum.	.....	.....	.....	912 19	1,705 57	3,423 71
Mil., Watertown & Baraboo V.	50,277		.....	11,768 31	243 35	7,347 89	6,669 89	3,135 21
Racine & Mississippi,	53,002½	.....	.....	.....	.....	.....	.....	.....
Sheboygan & Mississippi,	1,548¼	.....	.....	1,350 65	.....	257 15	167 02	1,029 29
Superior & State Line,	.....	.....	.....	.....	.....	.....	.....	.....
St. Croix & Lake Superior,	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Central,	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & North. Illinois,	.....	.....	.....	.....	.....	.....	.....	.....
Total,	566,007¼	*	11,542 39	106,966 18	9,619 42	115,952 26	82,015 31	80,793 10

*Total, Lumber 3,264½m.—678 3-10 cords—9,955 bbls. flour—611,711 bushels grain.

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

EXPENDITURES—*continued.*

Name of Road.	Taxes.	Interest. 1st mort.	2d mrt	3d mrt	Miscella's.	Wages of Employees.	Insecured Indebtedness.	Miscellaneous.	Total Payments.	Total Expenses.
Chicago & Northwestern,	507 98	.....	.....	.....	.....	113,258 74	.....	e 6,883 81	163,305 57	.....
Fox River Valley,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fox Lake,	.....	.....	.....	.....	.....	350 00	.....	.....	.....	.....
Ken., Rockford & Rock I.	3,503 30	3,606 50	.....	.....	.....	.....	7,019 24	.....	77,342 34	.....
Milwaukee & Mississippi,	.....	134,720 00	50,000	7,820	12,512 51	.....	.....	j643,546 45	860,291 35	961,274 04
Milwaukee & Chicago,	1,591 83	l 46,615 00	.....	.....	17,211 63	23,801 18	588 88	15,071 42	147,270 74	.....
Mineral Point,	252 98	.....	.....	.....	.....	8,390 22	673 68	2,145 32	24,308 56	.....
Milwaukee & Minnesota,	621 29	38,000 00	40,000	.....	10,990 00	138,789 97	63,586 04	.....	496,987 56	.....
Milwaukee & Horicon,	.....	.....	.....	.....	.....	9,386 75	2,760 22	o 32,412 11	50,600 55	.....
Mil., Wat. & Barboo Val.,	.....	15,400 00	.....	8,180	.....	15,567 30	13,665 08	.....	81,077 08	.....
Racine & Mississippi,	.....	.....	.....	.....	.....	.....	.....	89,738 69	89,738 69	.....
Sheboygan & Mississippi,	37 24	.....	.....	.....	.....	2,654 78	.....	1,092 81	6,588 94	.....
Superior & State Line,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Croix & L. Superior,	.....	.....	.....	.....	.....	.....	2,479 33	.....	2,479 33	.....
Wisconsin Central,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & N. Illinois,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total,	6,514 62	238,341 50	90,000	16,000	40,714 14	312,198 94	100,772 47	790,890 11	2,000,890 66	961,274 04

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	SALARIES.									
	President.	Manager.	Supt.	Asst. Supt.	Secretary.	Treasurer.	Auditor.	Paymaster.	Agent. Gen. Frg'ht	General Tick't ag't.
Chicago & North-Western,										
Fox River Valley,										
Fox Lake,										
Kenosha, Rockford & Rock Island,	$3,000		$3,000							
Milwaukee & Mississippi,	3,000		3,000	$2,000	$2,000	$1,500	$1,250	$1,200		
Milwaukee & Chicago,		*m* $3,000						1,200	$1,200	
Mineral Point,										
Milwaukee & Minnesota,		4,000							1,800	$1,200
Milwaukee & Horicon,	1,200		1,200		1,200	1,200				
Mil., Watertown & Bar. Valley,			3,008		1,200	1,200				
Racine & Miss.,		5,000	1,800	1,500						1,500
Sheboygan & Miss.,										
Superior & State Line,										
St. Croix & Lake Superior,	2,500				1,500					
Wisconsin Central,										
Mil. & Northern Illinois,										
Total,	$9,700	$12,000	$12,000	$3,500	$5,900	$3,900	$1,250	$2,400	$3,000	$2,700

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	SALARIES—*continued.*								
	Gen'l Eastern Agent.	Gen'l Western Agent.	Fr'ght Local Agents.	Clerk Fr't.	Transfer Agent.	Cashier.	Chf. Clerk.	Attorney.	Engineer.
Chicago & North-Western,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fox River Valley,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fox Lake,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kenosha, Rockford & Rock Island,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Mississippi,	$1,200	$1,500	$2,400	$1,500	.....	.....	.....	.....	.....
Milwaukee & Chicago,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mineral Point,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Minnesota,	2,000	1,500	1,200	.....	$2,500	$1,800	$1,200	.....	.....
Milwaukee & Horicon,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee, Watertown & Baraboo Valley,	.....	.....	.....	.....	.....	.....	.....	$2,500	.....
Racine & Mississippi,	.....	.....	.....	.....	.....	.....	.....	2,000	.....
Sheboygan & Mississippi,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Superior & State Line,	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Croix & Lake Superior,	.....	.....	.....	.....	.....	.....	.....	.....	$2,000
Wisconsin Central,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Milwaukee & Northern Illinois,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total,	$3,200	$3,000	$3,600	$1,500	$2,500	$1,800	$1,200	$4,500	$2,000

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Tabular Statement of the Annual Reports of the several Railroad Companies, &c.—continued.

Name of Road.	MISCELLANEOUS.												
	Loss from casualty.	No. killed.	Passengers and others.	Employees.	No. injured.	Passengers and others.	Employees.	No. of dividends.	Am't of dividend.	Total dividends.	When made.	How paid.	Am't of wages of employees.
Chicago & North-Western,	$20,000 00	*d* 9	7	2	34	31	3	....	.....	.....	.....	.....	.....
Fox River Valley,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Fox Lake,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Kenosha, Rockf'd & Rock I.,	.....	....	....	....	....	....	....	1	10 pr c't.	$31,415 52	Jan. 1, '59,	In stock.	.....
Mil. & Miss.,	475 00	2	....	2	3	3	....	....	.....	.....	.....	.....	*n* 261,019 78
Mil. & Chicago,	.....	3	2	1	1	....	1	....	.....	.....	.....	.....	*n* 50,969 86
Mineral Point,	.....	1	....	1	....	....	....	....	.....	.....	.....	.....	.....
Mil. & Minn.,	6,629 55	6	4	2	9	6	3	....	.....	.....	.....	.....	.....
Mil. & Horicon,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Mil., Wat. & Bar. Valley,	.....	....	....	....	7	2	5	....	.....	.....	.....	.....	.....
Racine & Miss.,	644 00	....	....	....	1	....	1	....	.....	.....	.....	.....	.....
Sheboygan & Miss.,	20 00	....	....	....	1	....	1	....	.....	.....	.....	.....	.....
Superior & State Line,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
St. Croix & Lake Superior,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Wisconsin Central,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Mil. & Northern Illinois,	.....	....	....	....	....	....	....	....	.....	.....	.....	.....	.....
Total,	$27,768 55	21	13	8	56	42	14	1					$311,989 64

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Notes to preeding Tabular Statement.

ount expended by the company in extending the road to Oshkosh, a
of 56 miles, and equipments.
amount includes engines and cars.
unt of salaries from June 1st, 1859.
sed by train being thrown from track at Belleville, Nov. 1st, 1859.
orted as the whole amount expended on the road.
rwise than to contractors.
erstrneture account.
t of way and fencing.
ding iron and laying track.
item includes the payments of the company for the entire year, with
tion of the items of interest and right of way. The expenses in-
operating the road for the year, as follows, viz:

n mortgage bonds and floating indebtedness,	$468,823 05
nking fund,	53,500 00
eous expenditures	438,950 99
expenses incurred,	$961,274 04
arnings,	746,498 78
ficiency of	$214,775 26

amount is due the mortgagees.
ed as paid on coupons, not specifying whether on 1st, 2d or 3d mort-
ls.
ral Agent.
item is embraced in general disbursements.
ands of Trustee since May 1st:

o May 1st,	$18,188 44	Disbursements,	$18,188 44
ince May 1st,	55,624 80	do	32,412 11
,	$73,812 74		$50,600 55

million two hundred and tihrty-eight thousand and six hundred dol-
ded in this sum is for the purchase of the Watertown and Mrdison
f this road.
ther item of indebtedness reported.
road and the Fox River Valley Railroad are identical.
not in operation—no details in report.

RECAPIULATION.

oad in opertion,	958 17-100	
ingle track,	958 17-100	
ouble track,	1	
ide track,	34 84-100	
f capital subscribed,		$6,393,680 00
do. paid thereon,		8,635,046 56
do. unpaid,		480,845 79
paid for right of way,		324,202 23
do. bridging,		726,807 49
do. iron,		3,120,820 07
do. grading,		3,061,615 29
do. buildings,		372,732 26
do. engineering,		210,243 58
do. miscellaneous,		6,726,133 74
do. total costs,		16,937,220 14
due corporations,		692,201 68

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....do..of 1st mortgage bonds,.....		11,177,500 00
....do..of 2d....do ....do		3,825,000 00
....do..of 3d....do.....do.....		503,750 00
....do .of town and city or county bonds,.....		1,009,900 00
....do..of other general debts,.....		1,220,100 45
...do..of unsecured.....do.....		1,514,126 81
....do..of total indebtedness,.....		12,403,869 33
Number of through passengers,.....	104,376½	
....do..of way..... do.....	451,127½	
Receipts for transportation of passengers,.....		724,892 32
....do.....do .....mails.....		57,070 87
....do.....do.....property,.....		1,311,581 89
....do..from other sources,.....		1,440,871 16
Total receipts,.....		3,534,416 24
Tons freight transported,.....566,007 463-2000		
Grain, 611,711 bushels, 9,955 bbls. Flour, Lumber, 3,264,564 feet 678 cords.		

DISBURSEMENTS.

Right of way,.....		11,542 39
Repairs of road,.....		106,966 18
Buildings,.....		9,619 42
Engines,.....		115,952 26
Cars,.....		82,015 31
Fuel,.....		80,793 10
Taxes,.....		6,514 62
Interest on 1st motgage bonds,.....		238,341 50
....do..on 2d....do....do.....		90,000 00
....do..on 3d....do....do.....		16,000 00
... do..on miscellaneous,.....		40,714 14
Wages of employees,.....		312,198 94
Unsecured indebtedness paid,.....		100,772 47
Miscellaneous,.....		790,890 11
Total payments,.....		2,000,890 66
Salaries of Presidents,.....	$9,700 00	
..do.....Managers,.....	12,000 00	
..do.....Superintendents,.....	12,000 00	
..do.....Ass't.....do....., ...	3,500 00	
..do.....Secretaries,.....	5,900 00	
..do.....Treasurers,.....	3,900 00	
..do. ...Auditor,.....	1,250 00	
..do.....Pay Master,.....	2,400 00	
..do.....General Freight Agents,.....	3,000 00	
..do.....do....Ticket....do.	2,700 00	
..do.....do....Eastern...do.....	3,200 00	
..do.....do....Western..do.....	3,000 00	
..do.....Local Freight .....do.....	3,600 00	
..do.....Transfer.....do.....	2,500 00	
..do... .Attorneys.....	4,500 00	
..do.....of others exceeding $1000,.....	5,000 00	
		78,150 00
Losses from casualty,.....		27,768 55
Number of persons killed,.....	21	
..do....of pasengers and others,.....	13	
..do....of employees,.....	8	
..do ...injured,.....	56	
..do....of passengers and others,.....	42	
..do....of employees.....	14	
..do....of dividends,.....	1	
Amount of dividends,.....per cent	10	
..do....of wages of employees not before stated,.....		311,989 64

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ILLS READY FOR A THIRD READING.

following bills were severally read a third time and

114, S., a bill for an act to provide for the purchsse of copies of Webster's dictionary for the supply of defi-hool districts of the State;

ayes and noes being required,

bill was passed by the following vote—ayes 16, noes 8 :

e who voted in the affirmative were

tors Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Eagan, Phillips, Rodolf, Stewart, Sweat, Taylor, Thur-rgin, Washburn and Worthington—16.

e who voted in the negative, were

tors Ferguson, Gill and Hotchkis—3.

85, S., a bill for an act to protect the wool growing in-of the State of Wisconsin;

Gill moved to postpone the further consideration of the Tuesday next, and

motion was lost.

Virgin moved that the further consideration of the bill poned till 11 o'clock of Wednesday next, and that it be he special order for that hour;

the motion prevailed.

105, S., a bill for an act to amend chapter 52, of the l Laws of 1859, entitled "an act relating to the Dane court;"

119, S., a bill for an act to authorize John D. Trumble and maintain a ferry across lake Pepin, in the county ce;

113, S., a bill for an act to authorize the Secretary of o audit certain moneys to the county of Green Lake;

149, S., a bill for an act to amend chapter 35, of the d Statutes, entitled "of excise;"

186, S., a bill for an act to provide for equalizing and ioning State and county taxes among towns, cities and orated villages, for the year 1860;

1-9, S., a bill for an act relating to the duties of regis-deeds;

181, S., a bill for an act to amend chapter 22, of the d Statutes, entitled "of academies and normal schools;"

150, S., a bill for an act to amend chapter 86, of the d Statutes, entitled of alienation by deed, of the proof ordi ng of conveyances, and the canceling of mortgages;"

76, S., a bill for an act to amend an act approved March

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11, 1859, entitled "an act amend an act to incorporate t
village of Horicon," approved March 29, 1855;

No. 81, S., a bill for an act to amend an act to incorpora
the Yellow River Improvement Company, approved March 2
1857;

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time a
passage conurred in:

No. 299, A., a bill for an act to appropriate to Andrew Bi
op the sum of $52;

The ayes and noes being required,

The passage was concurred in—ayes 20, noes 0;

Those who voted in the affirmative, were,

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curt
Decker, Egan, Ferguson, Gill, Hanchett, Hotchkiss, Philli
Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washbu
and Worthington—20.

None voted in the negative.

No. 276, A., a bill for an act to appropriate to S. B. Sco
assignee of Berliner & Bruno, the sum of $650;

The ayes and noes being required,

The passage was concurred in—ayes 20, noes 0.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curt
Decker, Egan, Ferguson, Gill, Hanchett, Hotchkiss, Philli
Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washbu
and Worthington—20.

None voted in the negative.

No. 300, A., a bill for an act to appropriate to George Th
the sum of $73 75;

The ayes and noes being required,

The passage was concurred in—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curt
Decker, Egan, Ferguson, Gill, Hanchett, Hotchkiss, Rodo
Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and W
thington—19.

None voted in the negative.

No. 309, A., a bill for an act to appropriate to Amasa Co
the amount of $66,88;

The ayes and noes being required,

The passage was concurred in—ayes 19, noes 0.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curt
Decker, Egan, Ferguson, Gill, Hanchett, Hotchkiss, Rodo

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t, Sweat, Taylor, Thurbur, Virgin, Washburn and Wor-
n—19.
voted in the negative.
65, A., a bill for an act to repeal chap. 168, of the Gen-
ws of 1859, entitled "an act to provide for and defining
le of assessing the value of lands appropriated by any
l company, and damages resulting from the location, con-
n and operation of its line of road in this State;"
., No. 3, A., memorial to the Post Master General of
ted States for reinstatement of weekly mail service on
ute 13,088 from Bayfield, in La Point county, to Chip-
alls, in the county of Chippewa;
177, A., a bill for an act to amend section 3, of chapter
the Revised Statutes, entitled "of circuit courts."
192, A., a bill for an act to amend chapter 95, of the
l Laws of 1859, entitled "an act conferring jurisdiction
county court of Bax Ax county,"
200, A., a bill for an act to repeal an act, entitled "an
amend chapter 59, of the Local Laws of 1855, entitled
o incorporate the Beloit Gas Light and Coke comp'y;"
233, A., a bill for an act providing additional terms of
uit court for the county of Racine;
Curtis asked unanimous consent to amend the bill,
ction was made.
Stewart moved to re-commit the bill 'with instructions
rt a General Law to meet the objects of the bill, and
notion prevailed.
notion of Senator Stewart,
ules were suspended, in order to pass the following bills:
194, S., a bill for an act to incorporate the First Uni-
t Church of Monroe;
an amendment.
17, S., a bill for an act to amend an act entitled an act
nd chapter 299, of the Private and Local Laws for the
55, entitled an act to incorporate the Sugar River Val-
lroad Company;
147, S., a bill for an act to amend an act entitled an act
olidate and amend the act to incorporte the city of Osh-
nd the several acts amendatory thereto.
question occurring on the adoption of the amendment to
No. 194, S.;
Senate refused to adopt.
question then occurring on ordering the bill to a third
;
bill was so ordered, read and passed.
question occurring on ordering said bill

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No. 178, S.;
To a third reading;
The bill was so ordered, read and passed.
The question occurring on ordering said bill
No. 147, S.;
To a third reading;
The bill was so ordered, read and passed.
Sen. Virgin moved to suspend all rules, in order to put its passage, bill
No. 409, A., a bill for an act to provide for the paym certain outstanding indebtedness, against the swamp land
On this motion the ayes and noes were called and
The motion prevailed—ayes 14, noes 5.
Those who voted in the affirmative, were
Senators A. I. Bennett, G. Bennett, Curtis, Decker, E Gill, Hanchett, Phillips, Sweat, Taylor, Thurbur, V Washburn and Worthington—14.
Those who voted in the negative, were
Senators Bartlett, Cox, Ferguson, Hotchkiss and Stewa
The question occurring on the passage of the bill,
The ayes and noes were required,
And the bill was passed—ayes 18, noes 2.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Cox, C Decker, Eagan, Gill, Hanchett, Phillips, Rodolf, St Sweat, Taylor, Thurbur, Virgin, Washburn and Worthi —18.
Those who voted in the negative, were
Senators Ferguson and Hotchkiss—2.
On motion of Sen. Hotchkiss,
Senate adjorned till 4 o'clock Monday afternoon.

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MONDAY, March 5, 4 o'clock, P. M.

Senate met.
President *pro. tem.* in the chair.
Prayer by the Rev. Mr. Eggleston.
Roll called and quorum present.
Reading of the journal of Saturday dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred,
By Sen. Thurbur:
No. 118, S., petition of Phillip Koehler and others, of the "German Evangelical Lutheran Church of Manitowoc;"
To committee on Benevolent Institutions.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.
By Sen. Ferguson:
No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;
To committee on Town and County Organization.
By Sen. Thurbur:
No. 238, S., a bill for an act authorizing the "German Evangelical Lutheran Society," of the village of Manitowoc, to reorganize, and to change their corporate name, and to legalize the acts of said society;
To committee on Benevolent Institutions.
By Sen. Decker:
No. 240, S., a bill for an act to organize the county of Door for judicial purposes;
To Judiciary committee.
By Sen. Taylor:
No. 241, S., a bill for an act to protect mortgagees and innocent purchasers of school land;
To Judiciary committee.
By Sen. Thurbur:
No. 239, S., a bill for an act to incorporate the "Manitowoc Gymnastic Association," called in German "Der Turnverein;"
To committee on Incorporations.

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RESOLUTIONS INTRODUCED AND CONSIDER

By Sen. Phillips :

Res. No. 65 S.,

Resolved, That the committee on Benevolent Institutio hereby requested to report to the Senate at an early day, amount of money will be required to put the present ere of the State Hospital for the Insane in a condition for t ception of patients, and what time will be required to a plish the same, and what number of patients could be adm and properly cared for when such completion is effected ;

Adopted.

J. Res. No. 16, S.,

Whereas, There is annually drawn by the permanent a priations from the State Treasury, many thousand dolla the incidental expenses, postage, printing, and salaries c cers of the Wisconsin State Historical Society, and

Whereas, It is a question of doubt, at least, wheth State has any interest in the property or management said Society, therefore

Resolved, by the Senate, the Assembly concurring, T joint select committee, consisting of two members of the ate, and three members of the Assembly be appointed to i into and report what interest the State has in the prope said Society, and (if deemed proper) to report by bill end that the same may be more clearly defined, and if d proper that the said appropriation be reduced or repealed

Which was introduced on Saturday last and laid over,

Was adopted.

And the President appointed Senators Stewart and E said committee on the part of the Senate.

Res. No. 62, S.,

Resolved, That the Judiciary committee be, and th hereby instructed to prepare and report to the Senate at a day, a Joint Resolution, which shall provide for so am the constitution as to abolish the present elective judici tem, and provide that all judges of courts of record s appointed by the Governor, by and with the advice and c of the Senate, and that such judges, when so appoint confirmed, shall hold their office during good behavior;

Which was introduced on Friday last, and laid over.

Senator Virgin moved to lay the resolution on the tab

The ayes and noes were called for, and

The motion prevailed—ayes 16, noes 10.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick,

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ox, Davis, Gill, Hanchett, Phillips, Rodolf, Sceley, Taylor, Virgin and Worthington—16.
who voted in the negative, were
rs Curtis, Decker, Eagan, Ferguson, Hotchkiss. Masxon, Sweat, Thurbur and Washburn—10.
irgin moved to reconsider the vote by which the Sen-
n the table the said Res. No. 62, S.
es and noes were called for, and
otion was lost—ayes 11, noes 14.
who voted in the affirmative, were
rs Decker, Eagan, Ferguson, Gill, Hotchkiss, Masxon, Sweat, Thurbur, Washburn and Worthington

who voted in the negative, were
rs Bartlett, A. I. Bennett, G. Bennett, Burdick, Comx, Curtis, Davis, Hanchett, Phillips, Rodolf, Stewart, Virgin and Thurbur—14.
n. Washburn:
No. 17, S..
ed, by the Senate, the Assembly concurring, That this
ure will adjourn *sine die* on Wednesday, the 21st inst.,
clock, A. M;
ver.

REPORTS OF COMMITTEES.

ommittee on Enrolled Bills report that they have exhe following bills and find them correctly enrolled.
9, S., for an act for the relief of Nathan B. Langdon, Brundage, Sidney L. Wait, and Nathan Shaply.
1, S., for an act to prescribe the duties of the Secre-State in certain cases, and to repeal chapter 155 of the Laws of 1858, entitled "an act providing for the apnt of a Comptroller, and prescribing his duties.

GEO. BENNETT, *Ch'n*

ommittee on Roads, Bridges and Ferries, to whom was bill
6, A., a bill for an act to authorize the laying out of a ad from Viroqua, to Victory, in Bad Ax county;
ctfully report the same back and recommend that it be ely postponed.

RODOLF, *Ch'n. pro tem.*

ommittee on Judiciary, to whom was referred the folills:
67, S., a bill for an act concerning bills of exchange, nisory notes;

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No. 197, S., a bill for an act to amend chapter 22 o
General Laws of 1859, entitled "an act relative to the sa
lands for unpaid taxes, and the conveyance and redem
thereof;"

No. 232, S., a bill for an act to amend section 2, chapter
Rev. Stat., entitled "of miscellaneous proceedings in civ
tions, and general provisions;"

No. 143, A., a bill for an act restoring Levi B. Han
citizenship;

And,

No. 278, A., a bill for an act to amend section 28, of
132, of the Revised Statutes entitled "of issues, mode of
and judgment in civil actions;"

Have had the said bills under consideration, and her
report the same back, with the recommendation that th
severally pass.

Said committee have also had under consideration th
lowing bills:

No. 12, S., a bill for an act to amend chap. 12 of the
Statutes entitled "of notaries public;"

No. 132, S., a bill for an act to appropriate to Wakel
Tenney the sum of $100;

No. 199, S., a bill for an act to amend chapter 151 o
Revised Statutes, entitled "of forcible entry and unlawf
tainer;"

No. 214, S., a bill for an act to amend section 95, ch
18, of the Revised Statutes, entitled "of the assessmen
collection of taxes;"

No. 228, S., a bill to amend section 12 of chapter 11
the Revised Statutes, entitled "of divorce;"

No. 291, A., a bill for an act conferring jurisdiction o
county court of Winnebago county;

And,

No. 334, A., a bill for an act for the relief of settlers
the even sections of Fox and Wisconsin River Improve
ccmpany;

And report said bill back, with amendments, recomme
that they severally do pass, when so amended.

Said committee have also considered

No. 99, A., a bill for on act to amend sections 35 an
of chapter 2, of the Revised Statutes, entitled "of the
ion of the State into counties, and their boundaries;"

And report the same back with the recommendation t
be referred to the Hon. Senator from the 2d district.

Said committee have also had under consideration, th
lowing bills:

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No. 133, S., a bill for an act to amend chapter 64, of the General Laws of 1859;

No. 191, S., a bill for an act to amend chapter 66, of the Revised Statutes, entitled "of Religious Societies," and to legalize the acts of Register of deeds in certain sases;

No. 219, S., a bill for an act to grant town licenses to traveling auctioneers;

No. 183, A., a bill for an act relating to the estate of F. I. VanderBrock;

And

No. 238, A., a bill for an act relating to the support of the poor, in counties where the distinction between county and town poor exists;

And herewith report the same back, with the recommendation that the further consideration of the said reveral bills be indefinitely postponed.

Said committee have also considered

No. 108, A., a bill for an act to amend chapter 43, of the Revised Statutes, entitled "of strays, and lost money and goods;

And report the same back without recommendation.

HANCHETT, *Ch'n.*

Said bill No. 99, A., was referred to Sen. Decker.

The committee on Judiciary to whom was referred

No. 306, A., a bill for an act for the relief of Sheboygan county;

Have had said bill under consideration and herewith report the same back, with the recommendation that it pass.

Said committee have also had under consideration

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases;

No. 188, S., a bill for an act concerning the transcribing of records;

No. 214, A., a bill for an act to amend sections 1 and 2, of chapter 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf of the State;

And

No. 274, A., a bill for an act to amend section 87, chapter 13 of the Revised Statutes, entitled "of counties and county officers;

And report said bills back with amendments, recommending their passage when so amended.

Also,

No. 169, A., a bill for an act regulating the rights of miners and persons digging for lead ore;

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Which is herewith reported back, with the recommendation that it be referred to the delegation from the mining districts;

Said committee have also had under consideration the following bills:

No. 210, S., a bill relating to the estate of Dennis Burrell, deceased;

No. 64, A., a bill for an act concerning the change of venue in criminal cases in courts of justices of the peace;

No. 171, A., a bill for an act to vacate block 20, of Vliet's addition to the city of Milwaukee;

No. 174, A., a bill for an act to repeal section 1, chapter 113, of the General Laws of 1859, entitled "of the lien of mechanics and others;

No. 185, A., a bill for an act to vacate block No. 7, in Cross & Ludington's addition to Milwaukee;

No. 255, A., a bill for an act to amend section 5, of chapter 181, of the Revised Statutes, entitled "of judgments in criminal cases, and the execution thereof;"

And

No. 275, A., a bill for an act to amend sections 69 and 70, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

And herewith report the same back with the recommendation that the further consideration of the said several bills be indefitely postponed.

Said committee have also had under consideration

No. 50, S., a bill for an act to equalize the assessment of taxes in the county of Walworth;

And report the same back without recommendation.

Also,

No. 284, A., a bill for an act to establish the name of Ellie Mc calf;

Also,

No. 358, A., a bill for an act to repeal chapter 46, of the General Laws of 1860, entitled "an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;"

And report said bill back with amendments, and without recommendation.

L. HANCHETT, *Ch'n.*

Said bill No. 169, A., was referred to Senators Virgin, Rodolf and Simpson.

Said bill No. 275, A., was ordered returned to the Assembly for correction.

Bills Nos. 64 and 255, A., were indefinitely postponed.

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The committee on Roads, Bridges and Ferries to whom was referred bill

No. 33, A., a bill for an act to lay out a State road from Stevens Point to Eau Claire;

Respectfully report the same back with an amendment, and recommend its passage when amended.

RODOLF, *Ch'n. pro tem.*

The committee on Benevolent Institutions, report back Senate bill

No. 238, in relation to the German Evangelical Lutheran Society, in the village of Manitowoc;

Without amendment, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Town and County Organization, to whom was referred

No. 231, S., a bill for an act to amend chapter 193, of the Private and Local Laws of the year 1859, entitled "an act to incorporate the village of Oconto;"

Have had the same under consideration, and instructed me to report the same back to the Senate with amendments and recommend its passage when so amended.

N. H. VIRGIN, *Ch'n.*

On motion of Sen. Hotchkiss,

All rules wore suspended in order to put up on its passage, bill

No. 306, A., a bill for an act for the relief of Sheboygan county;

Said bill was then ordered to a third reading and read.

The ayes and noes being required on the passage of the bill,

The bill was passed—ayes 25, noes 1.

Those who voted in the affirmative were

Senaters A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Seeley, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—25.

Senator Bartlett voted in the negative.

Sen. Sweat moved that the Senate do now adjourn, and

The motion was lost.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 156, S., a bill for an act to amend sections 8 and 16, of

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chapter 340, of ihe Private and Local Laws of 1856, "an a
to incorporate the Arena and Dubuque Railroad Company;"

No. 148, S., a bill for an act to amend section 1, of chapt
51, of the Private and Local Laws of 1858, entitled "an a
to authorize school district No. 5, in the town of Plattevil
in Grant county, to borrow money;"

No. 166, S., a bill for an act to amend section 52, of chapt
28, of the Revised Statutes, eutitled "of the school and u
verity landss;"

I am also directed to inform you that the Assembly reced
from its amendment to

No. 89, S., a bill for an act for the relief of Nathan B. Lar
don, and others.

I am also directed to inform you that the Assembly h
passed

No. 436, A., a bill for an act to amend chapter 121, of t
Private and Local Laws of 1857, entitled "an act to incor
rate the city of Mineral Point;"

No. 283, A., a bill for an act to equalize the State tax
Brown county;

No. 227, A., a bill for an act authorizing the laying out
a State road from Eau Claire, in Eau Claire county, to t
mouth of the Trempeleau river, in Chippewa county;

And,

No. 301, A., a bill for an act to appropriate to Mitchell
Delany the sum of $75 00;

In which the concurrence of the Senate is requested.

I am further directed to present to you for signature

No. 87, S., an act to legalize the proceedings of the distri
board of school district No. 5, of the town of Platteville, Gra
county;

No. 235, A., an act to amend an act entitled "an act to
corporate the village of Omro;"

No. 17, S., an act to repeal chap. 201, of the General La
of 1859, entitled "an act to remit certain penalties imposed
sec. 59, of chap. 26, of the Revised Statutes, entitled
school and university lands;'"

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly h
passed and asks the concurrence of the Senate in

No. 404, A., a bill for an act to remit penalties in certa
cases;

No. 319, A., a bill for an act authorizing the Superintende
of Public Property to purchase the Governor's Message
foreign languages, and for an appropriation of money for t
payment therefor;

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No. 391, A., a bill for an act to appropriate to S. G. Benedict the sum of $12 00;

And

No. 392, A., a bill for an act to appropriate to Louis Gootman the sum of $98 85.

The Assembly has concurred in the passage of

No. 27, S., a bill for an act to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings therein."

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times, and referred.

No's. 392, 391, 319, 301, A.,

To general file.

No. 404, A.,

To committee on Finance.

No. 227, A.,

To committee on Roads, Bridges and Ferries.

No. 283, A.,

To committee on State Affairs.

On motion of Sen. Rodolf,

All rules were suspended, in order to put upon its passage bill

No. 436, A.

The question occurring on ordering the bill to a third reading, it

Was so ordered, read and passed.

On motion of Sen. Thurbur,

The Senate adjourned.

TUESDAY, MARCH 6, 10 o'clock, A. M

Senate met.

Lieutenant Governor in the chair.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

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LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Maxon:

No. 119, S., remonstrance of F. O. Thorp and 57 other citizens of Washington county, against a change of the boundaries of the Third Judicial Circuit;

To committee on the Judiciary.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington:

No. 66, S.,

Resolved, That the use of the Senate Chamber, on Friday evening next, is hereby tendered to Dr. D. B. Reid, of the State University, for a free lecture upon the subject of ventilation, light and heat in connection with public buildings;

Adopted.

J. Res. No. 71, S.,

Resolved, by the Senate, the Assembly concurring, That this Legislature will adjourn *sine die* on Wednesday, the 21st inst., at 10 o'clock, A. M.;

Which was introduced yesterday and laid over,

Was taken up.

Sen. Maxon moved to strike out "Wednesday, the 21st," and insert in lieu thereof, "Thursday, the 15th;"

The ayes and noes were called for, and

The motion was lost—ayes 9, noes 14.

Those who voted in the affirmative were

Senators Burdick, Ferguson, Fratt, Gill, Hilgen, Maxon, Phillips, Seeley and Sweat—9.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Cox, Curtis, Davis, Decker, Eagan, Hanchett, Hotchkiss, Masters, Taylor, Virgin, Washburn and Worthington—14.

Sen. Virgin moved to amend the resolution by striking out "Wednesday, the 21st," and inserting in lieu thereof "Monday, the 25th;"

Pending which,

Sen. Virgin moved to amend the amendment by striking out "25th," and inserting in lieu thereof "26th,"

And the motion prevailed.

Sen. A. I. Bennett moved to lay the resolution and amendments on the table.

The ayes and noes were called for, and

The motion was lost, the President voting in the negative.

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Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hotchkiss, Rodolf, and Sweat—13.

Those who voted in the negative were,

Senators Burdick, Ferguson, Gill, Hilgen, Masters, Maxon, Phillips, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—13.

The question occurring on the adoption of Sen. Virgin's motion to amend the resolution,

The motion was lost.

The question then occurring on the adoption of the original resolution;

The ayes and noes were called for, and

The resolution was lost—ayes 13, noes 14.

Those who voted in the affirmative were,

Senators Burdick, Ferguson, Fratt, Gill, Hilgen, Masters, Maxon, Phillips, Rodolf, Stewart, Virgin, Washburn and Worthington—13.

Those who voted in the negative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Hotchkiss, Seeley, Sweat, Taylor and Thurbur—14.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Comstock:

No. 242, S., a bill for an act concerning testimony and investigations;

On motion of Sen. Comstock,

All rules were suspended in order to put upon its passage said bill

No. 242, S.

The question occurring on ordering the bill to a third reading;

It was so ordered, read and passed.

By Sen. Washburn:

No. 243, S., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases, and to change the time for the annual distribution of the school fund income;

On motion of Sen. Washburn,

All rules were suspended in order to put upon its passage said bi l

No. 243, S.

On motion of Sen. Worthington,

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The said bill was referred to the Judiciary committee wi
instructions to report as soon as possible.

By Sen. Stewart:

No. 244, S., a bill for an act to provide for the payment
the Chaplains of the Legislature for the year 1860;

To committee on Claims.

By Sen. Hanchett:

No. 245, S., a bill for an act to amend chap. 13, of the R
vised Statutes, entitled "of counties and county officers;"

To committee on Town and County Organization.

REPORTS OF COMMITTEES.

The committee on State Affairs, to whom was referred

No. 321, A., a bill for an act, entitled "an act to provide f
the payment of all audited accounts;"

And

No. 323, S., a bill for an act, entitled "an act to amend
act entitled an act to make a temporary loan to the State U
versity," approved March 21, 1859;

Herewith report the same back, and recommend their pa
age.

J. W. STEWART,
BEN. FERGUSON.

The committee on Finance, to whom was referred

No. 404, A., a bill for an act in relation to remitting pen
ties in certain cases;

Report the same back without amendment, and recomme
its passage.

A. I. BENNETT, *Ch'n.*

The committee on Incorporations, to whom was referred

No. 165, A., a bill for an act entitled "an act to incorpora
the village of Pepin;"

And

No. 335, A., entitled "a bill for an act to enable the corp
ration of the village of Sparta to construct side-walks, a
otherwise improve the streets of said village;"

And

No. 305, A., entitled "a bill for an act to amend an act e
titled an act to incorporate the United States Insurance Co
pany," approved, April 3, 1854;

And

No. 342, A., entitled "a bill for an act to authorize the ci
of Portage to maintain a levee;"

And

No. 157, A., entitled "a bill for an act to amend an act ent

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an act to incorporate the Mutual Life Insurance Company
e city of Madison," approved, March 19, 1859;
nd
o. 264, A., entitled "a bill for an act to amend an act en-
l an act to incorporate the village of Geneva;"
nd
o. 273, A., entitled "a bill for an act to amend the charter
e city of Appleton;"
nd
o. 47, S., entitled "a bill for an act to incorporate the
n Bay Gas Light Company;"
nd
o. 229, S., entitled "a bill for an act to incorporate the
onsin Agricultural and Mechanical Association;"
nd
o. 220, S., entitled a bill for an act to repeal chapter 47,
e Private and Local Laws of 1857, entitled an act to au-
ze the common council of the city of Oshkosh, Wisconsin,
d in the construction of gas works in said city;"
nd
o. 225, S , entitled "a bill for an act to amend chap. 345,
e Private and Local Laws of 1857, entitled 'an act to in-
orate the village of Black Earth;"
nd
o. 365, A., entitled "a bill for an act to provide for the in-
oration of benevolent, charitable, scientific and literary so-
es;"
ave had the same under consideration, and have instructed
o report the same back to the Senate, and recommend
passage.
our committee have also had under consideration,
o. 164; A., entitled a bill for an act to incorporate the
ntain City Social Gymnastic Association;
nd
o. 249, S., entitled a bill for an act to incorporate the Man-
oc Gymnastic Association;
ave had the same under consideration, and have instructed
o report the same back to the Senate and recommend that
do lay on the table.

M. W. SEELEY, *Ch'n.*

aid bill No. 194, A.,
as laid on the table.
he question occurring on the indefinite postponement of
bill
o. 239, S.,
he ayes and noes were called for, and

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The bill was laid on the table—ayes 14, noes 13.

Those who voted in the affirmative were:

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Co stock, Cox, Davis, Hanchett, Masters, Phillips, Seeley, V gin, Washburn and Worthington—14.

Those who voted in the negative were:

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilg Hotchkiss, Maxon, Rodolf, Stewart, Sweat, Taylor and Th bur—13.

The committee on Judiciary, have had under considerat bill

No. 243, S., entitled a bill for an act to authorize the co missioners of school and university lands to remit penalties certain cases, and to change the time for the annual distri tion of the school fund income;

And instructed me to report the same back and recomme its passage.

HANCHETT, *Ch'n.*

On motion of Sen. Ferguson,

All rules were suspended, in order to put upon its passa bill

No. 404, A., a bill for an act to refund penalties in certa cases;

Sen. Rodolf moved to refer the bill to the committee on I nance, and

The motion was lost.

The question then occurring on ordering the bill to a thi reading, it was so ordered and read.

On the passage of said bill

No. 404, A.,

The ayes and noes were required,

And the bill was passed—ayes 22, noes 3.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstoc Cox, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hilge Hotchkiss, Masters, Maxon, Phillips, Rodolf, Sweat, Taylo Thurbur, Washburn and Worthington—22.

Those who voted in the affirmative, were

Senators Seeley, Stewart and Virgin—3.

On motion of Sen. Worthington,

All rules were suspended in order to put upon their pas age bills

Nos. 193 and 243, S., and 229, A.,

Senate ordered to its third reading, said bill

No. 243, S.,

And the bill was so read.

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uestion then occurring on the passage of said bill No.

A. I. Bennett asked unanimous consent to amend the
nserting in the first section, after the word "year," the
including the year A. D. 1860;"
jection was raised, and
mendment was made.
Hotchkiss asked unanimous consent to amend the bill
ws:
ke out the last day of May, wherever it occurs in the
insert the last day of April; also, strike out June,
r it occurs in the bill, and insert May;"
tion was made;
he amendment was lost.
Taylor asked unanimous consent to amend the bill as

end so as to provide for the distribution of all money
ved from the 5th of March, of this year, up to the time
istribution;"
ng which,
Davis moved to commit the bill to the committee on Ed-
School and University Lands, with instructions to
n accordance with amendments proposed by Senators
ss and Taylor.
Rodolf called for a division of the question;
uestion occurring on the instructions, the
e adopted the instructions.
ill was then ordered to be committed to the committee
ation, School and University Lands, with the instruc

uestion occurring on the ordering to a third reading
29, A.;
ill was so ordered, read, and the passage concurred in.
uestion occurring on ordering to a third reading
193, S.;
ill was so ordered, read and passed.
otion of Senator Sweat, account No. 20, S., was taken
e files and referred to the committee on Claims.

MESSAGE FROM THE ASSEMBLY,

. H. D. Crane, Esq., Chief Clerk thereof.

ESIDENT—
directed to present to you for signature
14, S., a bill for an act to prescribe the duties of the
ry of State in certain cases, and to repeal chapter 155,

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of the General Laws of 1858, entitled "an act providin
the appointment of a comptroller, and prescribing his dut

No. 49, A., a bill for an act concerning mortgages
State on school lands in the city of Racine;

No. 414, A., a bill for an act to postpone the sale of
for unpaid taxes in the county of Richland;

No. 65, A., a bill for an act to repeal chapter 168,
General Laws of 1859, entitled "an act to provide for a
fining the mode of assessing the value of lands appropriat
any railroad company, and damages resulting from the loc
construction and operation of its line of road in this Stat

No. 200, A., a bill for an act to repeal an act entitled
act to amend chapter 59, of the Local Laws of 1855, en
an act to incorporate the Beloit Gas Light and Coke Co
ny;"

No. 276, A., a bill for an act to appropriate to S. B.
assignee of Berliner & Bruno, the sum of $650;

No. 177, A., a bill for an act to amend section 3, of ch
116, of the Revised Statutes, entitled "of the circuit cou

Which have been signed by the Speaker.

On motion of Sen. Virgin,

The Senate went into

THE COMMITTEE OF THE WHOLE

On the general file of bills,

Sen. Hotchkiss in the chair.

After some time spent therein, the committee rose, rep
progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills with th
eral recommendations accompanying the same:

No. 168, S., a bill for an act to repeal sections 1, 2, 3
6 and 7, of chapter 79, of the Revised Statutes, entitle
rail roads;"

No. 196, S., a bill for an act to appropriate to A. J.
worthy the sum of $833;

M. C. No. 3, S., memorial to Congress for a mail route
the city of Hudson, in St. Croix county, via St. Joseph,
River Bridge, Ceylon, Erin Prairie, Boardman and Ham
to Warren.

No. 128, S., a bill for an act to define the boundary li
tween the counties of Green Lake and Marquette.

No. 63, A., a bill for an act to change the boundaries
counties of Marathon, Shawano and Oconto.

No. 85, A., a bill for an act to amend chapter 91,

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laws of 1858, entitled "an act to provide for the protection of stockholders of railroad corporations."

No. 56, A.. a bill for an act to incorporate the Workmen's Relief Association of the city of Watertown;

No. 317, A., a bill for an act to appropriate to Church & Hawley, the sum of $198,61;

With the recommendation that they do pass.

No. 135, S., a bill for an act to amend the charter of the Kenosha and Rock Island Railroad company.

With an amendment and recommendation to pass when so amended.

On motion of Sen. Curtis,

Senate adjourned till 4 o'clock this afternoon.

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4 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred:

By Sen. Comstock:

No. 120, S., petition of Frederick Mauer and a large number of others, citizens of the north part of the city of Milwaukee, asking that certain territory owned by them, shall be annexed to the town of Milwaukee;

To committee on Town and County Organization.

No. 121, S., petition of John D. Lipples, Wm. H. Fox, and 80 others, for a law to restrain dogs and protect sheep;

To committee on Agriculture.

BILLS INTRODUCED ON LEAVE.

Read first and second time and referred.

No. 246, S., a bill for an act to repeal section 2, of chapter 197, of Laws of 1859;

To Judiciary committee.

REPORTS OF COMMITTEES.

The Select committee to whom was referred

No. 213, A.,

Have had the same under consideration, and herewith re-

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report the same back with amendments, and recommen
passage when so amended.

DECKER,
BARTLETT,
HANCHETT,
Committ

The joint committee on Enrolled Bills, report that on th
of March, inst., they presented to the Governor, for hi
proval, the following bills, viz:

No. 414, A., a bill for an act to postpone the sale of
for unpaid taxes, in the county of Richland;

No. 276, A., a bill for an act to appropriate to S. B. S
assignee of Berliner & Bruno, the sum of $650;

No. 200, A., a bill for an act to repeal an act entitled
act to amend chapter 59, of the Local Laws of 1855, en
'an act to incorporate the Beloit Gas Light and Coke
pany;'"

No. 177, A., a bill for an act to amend section 3, of ch
116, of the Revised Statutes, entitled "of circuit courts;"

No. 65, A., a bill for an act to repeal chapter 168, o
General Laws of 1859, entitled "an act to provide for an
fining the mode of assessing the value of lands appropriate
any railroad company, and damages resulting from the loca
construction and operation of its line of road, in this Stat

No. 49, A., a bill for an act concerning mortgages to
State on school lands in the city of Racine;

No. 11, S., a bill for an act to prescribe the duties o
Secretary of State, in certain cases, and to repeal chapter
of the General Laws of 1858, entitled "an act providin
the appointment of a Comptroller, and prescribing his dut

No. 89, S., a bill for an act for the relief of Nathan B. I
don and others.

GEO. BENNETT, *Senate Co*
C. MILLER, *Assembly Com.*

The joint committee on Enrolled Bills report that on th
inst. they presented to the Governor, for his approval, the
lowing bills, viz:

No. 87, S., for an act to legalize the proceedings of the
trict board of school district No. 5, of the town of Platt
Grant county;

No. 235, —, for an act to amend an act entitled "an a
amend an act to incorporate the village of Omro;

No. 17, S., for an act to repeal chap. 201, of the Ge
Laws of 1859, entitled "an act to remit certain penalties

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by section 59, of chapter 26, of the Revised Statutes, ed 'of school and university lands;' "

GEO. BENNETT,
Senate Com.
C. MILLER,
Assembly Com.

EPORT OF COMMITTEE OF THE WHOLE

dered.
s Nos. 56, 63, 85, and 317, A.,
re ordered to a third reading.
s Nos. 168, 196 and 128, S.,
re ordered engrossed for a third reading.
No. 135, S.,
h amendments;
e amendments were adopted, and
e bill, as amended, was ordered engrossed for a third g.
C. No. 3, S.,
s ordered engrossed for a third reading.
motion of Senator Thurbur,
. 239, S.,
s taken from the table and placed in the general file.
motion of Senator Virgin,
e Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

e general file.
er some time spent therein, the committee rose, reported ess and asked leave to sit again;
ve was granted.
y further reported back the following bills, with the sev- ecommendations accompanying the same.
. 30, S., a bill for an act to provide for the service of pro- n non-resident defendants in certain cases;
. 123, S., a bill for an act to repeal chapter 48, of the ral Laws of 1858, entitled "an act to amend section 5, of er 121, of the General Laws of 1856, entitled an act con- g railroads;"
. 207, S., a bill for an act to appropriate to L. P. Harvey m of $146,75;
. 138, A., a bill for an act to restore William Greeno to nship;
. 234, A., a bill for an act in relation to costs on appeals the board of supervisors;

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With the recommendation that they do pass.

No. 14, A., a bill for an act to authorize persons havin lien upon land to pay the taxes upon the same;

No. 57, S., a bill for an act authorizing the city of Hud to issue bonds;

No. 180, S., a bill for an act to amend an act entitled ' act to annex certain territory to the towns of Hudson;

With amendments and the recommendation that they do p when so amended.

No. 210, A., a bill for an act prescribing the mode of s in judgments or orders of courts in certain cases;

No. 136, S., a bill for an act to amend an act entitled an authorizing the consolidation of the Wisconsin and Minne Railroad company, and the Fox Lake and Wisconsin R Railroad company, approved March 17, 1859;

No. 208, S., a bill for an act to amend section 112, of ch 15, of the Revised Statutes, entitled "of towns and town cers;"

With the recommendation of indefinite postponement.

No. 55, S., a bill for an act to establish an official S paper;

With recommendation to re-commit to the Judiciary c mittee.

No. 155, S., a bill for an act to authorize the Secretary State to purchase additional copies of the sixth and seve volumes of the Wisconsin Reports;

With the recommendation of reference to the committee Claims.

No. 164, S., a bill for an act for the protection of religi assemblies;

With the recommendation of reference to the Judiciary c mittee.

REPORT OF THE COMMITTEE OF THE WHOL

Considered.

Nos. 123 and 207, S.,

Were ordered engrossed for a third reading.

Senator Gill moved to recommitt to the Judiciary committ

Bill No. 30, S.,

The motion was lost; and

The question occurring on ordering said bill engrossed fo third reading,

The ayes and noes were called for,

And the bill was so ordered—ayes 15, noes 12.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdi

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k, Cox, Curtis, Davis, Hanchett, Masters, Phillips,
Seeley, Virgin and Worthington—15.
who voted in the negative were
ors Decker, Egan, Ferguson, Fratt, Gill, Hilgen,
ss, Maxon, Stewart, Sweat, Thurbur and Washburn—

134 and 234, A.,
ordered to a third reading.
4, A.,
amendment;
mendment was adopted;
he bill, as amended, ordered to a third reading.
57 and 180, S.,
amendments.
nendments were adopted and the bills were ordered en-
for a third reading.
208 and 136, S., and 210, A.,
indefinitely postponed.
55, S.,
eferred to committee on Claims.
55 and 164, S.,
referred to the Judiciary committee.
tion of Sen. Maxon,
onsideration of

No. 6, S.,
ive to riots of Harper's Ferry, which was made the
rder for this evening, at seven and a-half o'clock,
postponed till next Thursday evening, at half-past seven

otion of Sen. Bartlett,
ules were suspended in order to put upon its passage,

64, A.,
question occurring on ordering the bill to a third read-

so ordered, read, and the passage concurred in.
otion of Sen. Phillips,
Senate adjourned.

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WEDNESDAY, MARCH 7, 10 o'clock, A.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. McWright.
Roll called and a quorum present.
Reading of the journal of yesterday dispensed with.

RESOLUTION INTRODUCED AND CONSIDER

By Sen. Maxon :
Res. No. 67, S.,
Resolved, That the Superintendent of Public Proper instructed to procure for each Senator ten copies of th of Wisconsin concerning the organization and governm towns printed by B. Domschke in the German language; *vided*, The price shall not exceed fifty cents per copy ;
Laid over.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. Masters :
No. 246, S., a bill for an act to revise the Rock Lake C tery Association ;
To committee on Incorporations.

By Sen. Washburn :
No. 247, S., a bill for an act to amend chap. 18, of th vised Statutes, entitled "of the assessment and collecti taxes ;"
To committee on Finance.

By Sen. Taylor :
No. 248, S., a bill for an act providing for the taxati the property of railroads and railroad companies in the of Wisconsin.

By Sen. Comstock :
No. 249, S., a bill for an act to define the qualificatio electors in certain cases ;
To Judiciary committee.

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By committee on Claims:

No. 250, S., a bill for an act to appropriate to Joseph Giles the sum of $75;

To general file.

By committee on Printing:

No. 251, S., a bill for an act to define and adjust certain portions of the contract for public printing;

To general file.

By committee on Printing:

No. 252, S., a bill for an act to provide for the payment of the sum of money therein named to Andrew Proudfit (assignee of Calkins & Webb) being the amount due for the payment of assessment blanks and forms furnished by the Secretary of State to the several counties of this State in the year A. D. 1858;

To general file.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Cox:

Mem. No. 122, S., memorial of the board of supervisors of Pierce county in relation to the interest on drainage fund;

To committee on Public Lands.

By Sen. Comstock:

No. 123, S., petition of A. Rorick and others, for a bill defining the qualification of electors in certain cases;

To Judiciary committee.

Sen. A. I. Bennett stated that Sen. Hutchinson was absent on leave, and that there was, consequently, a vacancy in the committee on Benevolent Institutions, and asked the appointment of a Senator to fill said vacancy until Senator Hutchinson returns.

Senate ordered the appointment, and

The President appointed Sen. Bartlett to fill said vacancy.

REPORTS OF COMMITTEES.

The committee on Claims to whom was referred account

No. 31, S., the account of Joseph Giles for conveying convicts to Waupun;

Have had the same under consideration, and have instructed me to report it back by bill

No. 250, S., a bill for an act appropriating to Joseph Giles the sum of $75;

And recommend said bill do pass.

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Also,

No. 28, S., the account of Nelson McNeal for discount paid on State drafts;

Have considered the same, and report it back with the recommendation that it be referred to a select committee.

Also,

No 244, S., a bill for an act to provide for the payment of the chaplains to the Legislature for the year 1860;

Have considered the same, and have instructed me to report it back by substitute, and recommend that the substitute do pass.

Z. P. BURDICK, *Ch'n.*

Said account No. 28, S.,

Was referred to a select committee, and

The President appointed Senators Masters, Sweat and Phillips said committee.

The committee on Judiciary, to whom was referred

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

Have had said bill under consideration, and herewith report the same back with an amendment, recommending its passage when so amended.

Said committee have also had under consideration

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled "of the publication of legal decisions;"

And report said bill back, with the recommendation that it be referred to the committee on Claims.

Said bill was referred to the committee on Claims.

The committee on Education, School and University Lands, to whom was referred

Bill No. 243, S.,

Have instructed me to report the bill back, and recommend its passage as amended.

B. FERGUSON, *Ch'n pro. tem.*

The committee on Town and County Organization, to whom was referred

No. 227, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

And

No. 195, S., a bill for an act to reannex certain lands to the towns of Wauwatosa, Greenfield and Lake, in the county of Milwaukee;

Have had the same under consideration, and have instructed me to report the same back to the Senate with amendments, and recommend their passage when so amended.

N. H. VIRGIN, *Ch'n.*

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he joint standing committee on Printing, to whom was re-
d bill
o. 109, S., a bill for "an act to appropriate to S. D. Car-
er a sum of money therein named;"
eport the same back, and recommend that it be indefinitely
poned.

H. W. CURTIS, *Ch'n.*

majority of the joint standing committee on Printing,
with report
o. —, —., a bill for an act to define and adjust certain por-
of the contract for the Public Printing;
nd recommend its passage.

R. H. HOTCHKISS,
GEORGE B. GOODWIN,
JAS. W. SEATON.

he joint standing committee on Printing have instructed
o report back
o. 90, S., a bill for an act to prescribe the manner of let-
and executing the Public printing;
nd recommend that it be indefinitely postponed.
am also instructed, by a majority of the committee to re-

o. —, —., a bill for an act to collect the amount due from
several counties of the State for assessment blanks, fur-
ed them by the Secretary of State, in the year 1858;
urtis and Langland, dissenting.

H. W. CURTIS, *Ch'n.*

eport of the joint standing committee on printing, relating
e contract wiih the State Printer, and the conflicting con-
tion placed on said contract:
he State Printer has been before your committee, by able
cil, and explained and enforced by very ingenious and
ible arguments, his construction of the contract. On
lf of the State, the Attorney General, the State Treasu-
and the Secretary of State, have been before your com-
ee, and placing a very different construction upon the con-
, have enforced their views with arguments equally plaus-

he difference between the State Printer and the Commis-
ers relates to the *construction* of the contract, and arises
three points, two of which are very material.
he State Printer claims that all paper used for pamphlets
ging in the first class, should come under the head of "ex-
ncidental work," and be reckoned at "cap size," and paid
t seventy-three cents per quire. Both the Printer and the
missioners agree that the reports of the State officers are

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work in the first class. But the Commissioners contend that the paper for these, and all other pamphlets in the first class, should be considered as paper for "book work," and paid for at one-thousandth of a cent per quire.

In support of his views, the Printer claims that when he contracted to furnish "paper for use in book work" at one-thousandth of a cent per quire, he obligated himself to furnish only paper for actual use in book work—paper actually used in bound volumes; and that such is the plain and obvious meaning of his contract; that he is under no obligation to furnish paper at that price for any other than actual book work, or bound volumes.

He also claims that there is a clear and distinct difference between paper for use in *book* work, and paper for use in pamphlet work; that there is such a dissimilarity between book and pamphlet paper; that a contract to furnish the first will not and cannot cover a contract to furnish the last.

He claims also that the paper for pamphlets in this class comes under the head of paper for extra incidental jobs; and that it is placed there by the fact that he has specimens of similar pamphlets on file in the first class, and labeled "specimens of paper for extra incidental jobs in the first class."

By inquiry of printers and book-binders, your committee find that by book paper is generally understood a better article than print paper, or such as is generally used in pamphlets or newspapers; but that book and print paper are frequently used either for books or pamphlets, and so commonly that paper-makers could not tell, if an order were made upon them for book paper, what kind or quality was meant; nor could they tell anything about the quality or kind of paper desired on receiving an order for print paper..

Does the contract to furnish paper for use in book work, require the printer to furnish paper for use in pamphlet work? Your committee is of the opinion, though we are not without some doubt, that there is not such a difference between book and print paper, as to release him.

Under his contract to furnish paper for book work, is paper for pamphlets included; The *law specification*, and bid are as follows:

Law—"The price of paper per quire (18x24 inches) *for use in book work.*"

Specification—"The price per quire for book work."

Bid or contract—For paper per quire for book work, one thousandth of a cent.

By the law and the terms of the contract, the law and the specifications are made a part of the contract. When, there-

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fore, the language of the law is "paper *for use in book work*," it would seem clear that no paper could be included except such as actually enter into books. Nor does it matter whether such paper would be *suitable* for pamphlets or other work. He only contracts to furnish paper *for use in—paper actually used in* book work. When, therefore, he contracts to furnish paper for use in a given kind of work, that contract cannot bind him to furnish paper to be used in another kind of work because it may be fit or suitable for such other work.

The important question that arises here is: Is a pamplet a book? Is pamphlet work, book work? Is the word *book* a general term, embracing pamphlets? Upon this point your committee finds a wide difference of opinion; so wide that we think it very uncertain how it would be determined in a suit at law.

But the specimens of pamphlets of proper print paper are filed in the first class, and labeled, "specimens of paper for extra incidental jobs in the first class." Does this fact, as the State Printer claims, fix all paper of a similar kind used the first class, as "paper for extra incidental jobs. We are clearly of the opinion that it does not. Extra incidental jobs in the first class can embrace only such jobs as are not *ordinarily* required by the two houses while in session; such as are ordered by resolution or otherwise; as copies of reports of committees, resolutions, &c., for the printing of which, no provision is made, either by law or standing rule. For such jobs the printer would be required to furnish paper similar to that of his filed specimens, and at seventy-three cents per quire as per his contract. It seems to us a very forced construction that would give to the specimens the effect of carrying into the class of *extra* incidental jobs, paper proper for incidental jobs.

But it has been urged that the specifications place all the paper of the first class in three items, to-wit: "Paper for book work, paper for bills, and paper for extra incidental jobs;" and that because the paper for pamphlets is not embraced in the first two items, it must come in the third. We are not convinced that this reasoning is sound. It does not follow that because a given animal is neither a horse nor an ox, it is therefore a dog. If the paper for pamphlets is not embraced in the advertised specifications, your committee conclude that the State has not contracted for such paper, and that if the State Printer has furnished such paper, he has done so outside of his contract, and would be entitled to his pay for it on the *quantum meruit* scale. And we are strongly inclined to the opinion that such is the state of the case with respect to this part of the present contract.

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The State Printer claims that the pamphlet work he has in the third class, amounts to $110,482. By referring to existing printing contract, it will be seen that the commis ers did not advertise for any pamphlet printing in the t class. They only advertised for blanks and blank books. law places "the printing of all the State departments, inc ing blanks and blank books," in the third class. The lang of the law seems clearly to contemplate that there is o printing besides blanks and blank books in the third class. sides there is special statuatory provision referring the Su intendent of Public Instruction to have the school law prin with suitable accompanying forms and instructions. Thi clearly an important item of printing of one of the departme As the law places this and other similar kinds of printin the third class, it seems unfortunate that the commissio failed to provide for it by suitable specifications.

The State Printer has on file, pamphlets in third clas beled, "specimens of medium blanks in third class." He sits that all pamphlet work done in the third class, is by s specimen and label, under the contract to be counted as m um blanks, at six dollars per quire, which is the contract p for medium blanks. It is by this estimate that he gets amount above named for pamphlet work in the third cla $110,482.

But we are of the opinion that all work done in the th class, except for blanks and blank books, is outside of the c tract, and that the contract has nothing to do with the de mining the price at which it should be paid.

The attorney for the State Printer urged with much pla bility, that the specimens filed and labeled as they are, t the place, or answer instead of specifications, where work is quired by the law to be done, for which the commissioners not specify. The argument is, that the law is a part of contract—that the law requires all the printing for the St and all its departments, to be let in one contract—that the pr ter was required under the law to do *all* the printing, and t where the commissioners failed to make the necessary spec cations, he was compelled to bid for it by a labeled specim that under these circumstances, if he so bid, and the comm sioners accepted it, the State is bound.

There can probably be no doubt that it would be com tent for private individuals, or agents for general purposes, contract in this way. But the commissioners acted under a l by which both they and the bidders were bound. They w agents, therefore, for a *special* purpose, and the precise m ner of discharging the duties of the agency must be determin

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by the law under which they acted. Did the law authorize them to receive, or the bidders to make bids by *specimens?* We can find no such authority; and conclude, therefore, that for the want of it, all bids by specimens are void *ab initio.*

Of course this conclusion is based on the supposition that the law in regard to the specifications is mandatory; that the law requires the contract to be let by specifications.

The provision in regard to specifications is as follows:

Sec. 4. "Said specifications shall embrace the style of each class of work, the manner of arranging the same, providing against unnecessary 'leading' or 'break lines.'" * * Also, "said specifications shall be drawn up in plain terms, and shall clearly set forth all the facts and directions, which are to govern the State Printer in the performance of his duties."

These are the only mandatory provisions in regard to the specifications. Some contend that they only refer to the style and manner of *doing* the work, and are to be regarded as directions in this respect; that they do not refer at all to the manner of *contracting* for the different kinds of work; and that, in this respect, the commissioners were left free to contract and the printers to bid by specimens. Your committee are by no means certain that on this point, there is not room for doubt. And, while we incline to the opinion before expressed—that there was no competent way of letting the contract, except by specifications under the law, we are not without fear that the printer's construction of the law is correct, and that he can legally hold the state to pay for pamphlets belonging to the third class, as medium blanks, at the rate of six dollars per quire.

Your committee, therefore, find themselves in doubt, as to whether there is any existing contract to furnish paper for pamphlets in the first class. And, if there is such a contract—

We doubt whether the contract price is one-thousandth of a cent, or seventy-three cents per quire.

We are of the opinion that there is no existing contract to do any pamphlet printing in the third class; but if there is, such work must be done as medium blanks, at six dollars per quire.

At the last session of the Legislature, a bill was passed by a large majority of both houses, to construe the printing contract, which was defeated by the Executive veto. Subsequently, a joint resolution of construction, embracing the provisions of the above bill, passed by a decisive majority.

The objection taken to the bill by the Governor, was that it allowed blanks to be counted by the quire of blanks and not by the quire of paper.

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The State Printer renews his offer to compromise on general basis of last year's bill. He proposes to modify however, by counting blanks by the quire of paper, thus av ing the objections that defeated the measure one year ago.

Whether, under all the circumstances, such a compron should be effected, is a question on which we will not undert to advise.

In looking over the bill introduced by the majority of committee, we find no provision for requiring the Govern Message and Accompanying Documents to be bound in pro form and paid for in the second class, where they evidently long. For that uncouth "big pamphlet," five dollars and enty-four cents has been paid per volume. We must urge no bill should pass, leaving a chance open for a like imp priety.

H. W. CURTIS,
KNUD LANGLAND.

The committee on Public Lands report back bill
No. 64, S.,
With a recommendation that said bill be passed.

J. W. STEWART, *Ch'n*

Sen. A. I. Bennett moved to suspend all rules in order put upon their passage bills

No. 29, S., a bill for an act to amend chapter 29 of the R Statutes, entitled of "swamp and overflowed lands;"

And

No. 64, S., a bill for an act to discontinue the surveys selection of swamp and overflowed lands within this Stat

And the motion prevailed.

The question occurring on ordering to a third reading
No. 64, S.,

The ayes and noes were called, and

The bill was so ordered—ayes 28, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdi Comstock, Cox, Curtis, Davis, Decker, Egan, Ferguson, Fr Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Philli Rodolf, Seeley, Simpson, Stewart, Taylor, Thurbur, Virg Washburn and Worthington—28.

Noes none.

The bill was then read a third time and passed.

The question occurring on ordering to a third reading
No. 29, S.,

Senator Virgin moved to lay the bill on the table.

The ayes and noes were called for and

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Senate refused to lay on the table—ayes 6, noes 22.
se who voted in the affirmative were
tors Burdick, Cemstock, Phillips, Virgin, Washburn
orthington—6.
se who voted in the negative were
tors Bartlett, A. I Bennett, G. Bennett, Cox, Curtis,
Decker, Egan, Ferguson, Fratt, Gill, Hanchett, Hil-
Iotchkiss, Masters, Maxon, Rodolf, Seeley, Simpson,
t, Taylor and Thurbur—22.
question recurring on ordering to a third reading
29, S.,
tor Stewart moved to refer the bill to the Judiciary
ttee.
A. I. Bennett moved to amend the motion by instruct-
committee to report as soon as possible, and
amendment was adopted.
question occurring on the motion to commit with in-
ons,
ayes and noes were called for and
motion was lost—ayes 11, noes 16.
se who voted in the affirmative were
tors Bartlett, G. Bennett, Burdick, Comstock, Cox,
Phillips, Stewart, Virgin, Washburn and Worthington,

se who voted in the negative were
tors A. I. Bennett, Curtis, Decker, Eagan, Ferguson,
Gill, Hanchett, Hilgen, Hotchkiss, Maxon, Rodolf, See-
impson, Taylor and Thurbur—16.
Maxon moved to postpone further consideration of the
4 o'clock this afternoon. Lost.
question recurring on ordering the bill to a third read-

as so ordered and read.
he passage of the bill, the ayes and noes were called for,

bill was passed—ayes 21, noes 6.
se who voted in the affirmative were
tors Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis,
Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hil-
Iotchkiss, Maxon, Rodolf, Seeley, Simpson, Stewart,
r and Thurbur—21.
se who voted in the negative were
tors Burdick, Comstock, Phillips, Virgin, Washburn and
ington—6.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 312, A., a bill for an act for the preservation of game.

No. 417, A., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases;

And ask the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has indefinitely postponed the further consideration of

No. 110, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

I am further directed to present to you for signature,

No. 192, A., an act to amend chapter 95, of the General Laws of 1859, entitled, "an act conferring jurisdiction on the county court of Bad Ax county:

No. 299, A., an act to appropriate to Andrew Bishop the sum of $52;

No. 300, A., a bill for an act to appropriate to George Theis the sum of $73 75;

No. 309, A., a bill for an act to appropriate to Amasa Cobb the sum of $66 88;

No. 409, A., a bill for an act to provide for the payment of certain outstanding indebtedness against the swamp land fund;

No. 233, A., a bill for an act providing for additonal terms of the circuit court for the county of Racine;

M. C. No. 3, A., memorial to the Post Master General of the United States for re-instatement of weekly mail service on mail route 13,088, from Bayfield, in La Pointe county, to Chippewa Falls, in the county of Chippewa.

Which have been signed by the Speaker.

On motion of Sen. Davis,

All rules were suspended in order to put upon their passage bills

Nos. 231 and 234, S., and 213, A.

The question occurring on ordering to a third reading bill

No. 243, S.,

Sen. A. I. Bennett moved to amend by inserting the following:

"Provided that there shall be a reapportionment of school moneys between the 1st and 15th days of June, in the year 1860, if an aggregate of more than $20,000 shall be on hand subject to such appropriation, at that time;"

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Pending which,

Sen. Taylor moved to amend the amendment, by adding thereto,

"Provided that an apportionment be made of the proper moneys belonging to the school fund, on the 25th of December, 1860, in the State treasury at that time."

Sen. A. I. Bennett accepted the amendment.

The question occurring on the adoption of the amendment as amended,

On motion of Sen. Ferguson,

Senate adjourned till four o'clock this afternoon.

---

4 o'clock, P. M.

The Senate met.

Lieut. Governor in the Chair.

Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Seeley:

No. 254, S., a bill for an act to create the town of Forsythe, and to amend chapter 330, of the Private and Local Laws of 1857;

To committee on Town and County Organization.

By Sen. Ferguson:

No. 255, S., a bill for an act to provide for an independent State treasury;

To Judiciary committee.

By Sen. Worthington:

No. 253, S., a bill for an act to authorize the school land commissioners to remit certain penalties.

To committee on Education, School and University Lands.

LETTERS, PETITIONS AND MEMORIALS, &c.,

Presented and referred.

By Sen. Worthington:

No. 124, S., memorial of R. B. Hammond, in relation to certain penalties.

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REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they hav
amined the following bills, and find them correctly enrolle
No. 156, S., a bill for an act to amend sections 8 and 1
chapter 340, of the Private and Local Laws of 1856, ent
"an act to incorporate the Arena and Dubuque Railroad
pany;"
No. 27, S., a bill for an act to amend section 26, of ch
139, of the Revised Statutes, entitled "of appeals and
of error, and proceedings therein;"
No. 148, S., a bill for an act to amend section 1, of ch
51, of the Private and Local Laws of 1858, entitled "a
to authorize school district No. 5, in the town of Platte
in Grant county, to borrow money;"
No. 166, S., a bill for an act to amend section 52, of
ter 28, of the Revised Statutes, entitled "of the school
university lands."

GEO. BENNETT, *Ch*

The select committee to whom was referred bill
No. 201, S., a bill for an act prescribing the duties of co
surveyors in the subdivisions of sections,"
Have had the same under consideration and instructed
report the same back, without amendment, and recommen
passage.

D. W. MAXON, *Ch*

The joint standing committee on Printing, to whom wa
ferred
No. 93, S., a bill for an act regulating the publicati
legal advertisements;
Have instructed me to report the same back, with an am
ment, and recommend its passage when so amended.

H. W. CURTIS, *Ch*

The joint standing committee on Printing have consider
No. 211, S., a bill for an act to provide for the lettin
Public Printing by contract and to establish maximum p
for the execution thereof,"
And instructed me to report the same back and recomm
ing its passage.

H. W. CURTIS, *Ch*

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MESSAGE FROM THE GOVERNOR.

MADISON, Wis., March 7, 1860.

the Honorable the Legislature:

On two occasions in my message I have called the attention the Legislature to the inadequacy of the militia laws of the te. The law declares that "it shall be the duty of the ernor, and of all the subordinate officers of the State, to ntain and defend its sovereignty and jusisdiction."

he Constitution makes it the duty of the Governor to "take that the laws be faithfully executed."

he Governor is made, by the Constitution, "commander-in- f of the military and naval powers of the State."

ection 4, of chapter 31, of the Revised Statutes reads— e Governor shall be commander-in-chief of the militia of State, *except when called into the service of the United tes,*" &c.

ither the constitution of the State is wrong, or the statute rong. They materially disagree. While the constitution kes the Governor Commander-in-Chief of the militia, the islature must direct how the militia is to be used, and fur- h the means for support while in service. Under the militia s of this State, the power of the Executive over the militia confined mostly to making and unmaking military officers l organizations, and to suppressing riots. The entire mili- y organization is wholly inefficient, and the authority of the ecutive wholly inadequate to meet any contingency where rights, or jurisdiction, or sovereignty of the State are im- ed upon by usurpation or aggression from without, or where y are likely to suffer from insurrection or rebellion from in. Expenses incurred in the use of a military force must paid as they are incurred. I shall undertake to do, in all es, and without regard to consequences, whatever the Le- ature may or shall constitutionally authorize or require, to full extent of the power conferred and means furnished for performance of public duties.

deem it my duty to again call the attention of the Legisla- e to this subject, because of the radical defects in our Mi- a Laws.

ALEX. W. RANDALL.

Referred to committee on Militia.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred:

No. 312, A., a bill for an act for the preservation of game;

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To the general file.

No. 417, A., a bill for an act to authorize the Commissi ers of School and University Lands, to remit penalties in c tain cases;

To committee on Education, School and University Land

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and pa ed:

No. 85, S., a bill for an act to protect the wool-growing terests of the State of Wisconsin;

On the passage of the bill the ayes and noes were called f

And the bill was passed—ayes 19, noes 6.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comsto Cox, Curtis, Davis, Decker, Egan, Ferguson, Fratt, Hanch Hotchkiss, Masters, Phillips, Rodolf, Seeley, Taylor and W thington—19.

Those who voted in the negative were

Senators Gill, Hilgen, Maxon, Thurbur, Virgin and Wa burn—6.

The question recurring on agreeing to the title of the bill

Sen. Gill moved to substitute the following instead of original title:

"A bill for an act to regulate and license the keeping dogs."

On this question the ayes and noes were called for;

And the motion prevailed.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comsto Decker, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Maxon, R dolf, Seeley, Thurbur and Virgin—15.

Those who voted in the negative were

Senators Cox, Curtis, Davis, Eagan, Ferguson, Maste Phillips, Stewart, Taylor, Washburn and Worthington—11.

No. 30, S., a bill for an act to provide for the service process on non-resident defendants in certain cases;

The ayes and noes were called for, and

The bill was passed—ayes 17, noes 9.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdic Comstock, Cox, Davis, Eagan, Hanchett, Masters, Phillip Rodolf, Seeley, Stewart, Taylor, Virgin and Worthington—1

Those who voted in the negative, were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchki Maxon, Thurbur and Washburn—9.

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o. 207, S., a bill for an act to appropriate to L. P. Harvey sum of $446 75;
he ayes and noes being required,
he bill was passed—ayes 24, noes none.
hose who voted in the affirmative, were
enators Bartlett, A. I. Bennett, G. Bennett, Burdick, stock, Cox, Davis, Decker, Eagan, Ferguson, Fratt, Gill, chet, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Seeley, art, Thurbur, Virgin, Washburn and Worthington—24.
one voted in the negative.
o. 196, S., a bill for an act to appropriate to A. J. Langny the sum of $833;
he ayes and noes being required,
he bill was passed—ayes 22, noes none.
hose who voted in the affirmative, were
enators Bartlett, A. I. Bennett, G. Bennett, Burdick, stock, Cox, Davis, Decker, Eagan, Fratt, Gill, Hilgen, chkiss, Maxon, Phillips, Rodolf, Seeley, Stewart, Thur- Virgin, Washburn and Worthington—22.
o. 123, S., a bill for an act to repeal chap. 48, of the Gen- Laws of 1858, entitled an act to amend section 5, of chap. of the General Laws of 1856, entitled an act concerning oads;
o. 168, S., a bill for an act to repeal sections 1, 2, 3, 4, , and 7, of chapter 79, of the Revised Statutes, entitled railroads;"
o. 128, S., a bill for an act to define the boundary line be- n the counties of Green Lake and Marquette;
. C. No. 3, S. memorial to Congress for a mail route from ity of Hudson, in St. Croix county, via St. Joseph, Ap- River Bridge, Ceylon, Erin Prairie, Boardman and Ham- l, to Warren.

BILLS ON THEIR THIRD READING.

he following bills were severally read a third time and con- ed in:
o. 63, A., a bill for an act to change the boundaries of the ties of Marathon, Shawano and Oconto;
o. 85, A., a bill for an act to amend chapter 91, of the laws 858, entitled "an act to provide for the protection of stock- ers of railroad corporations;"
o. 56, A., a bill for an act to incorporate the Workmen's ef Association of the city of Watertown;
o. 138, A., a bill for an act to restore William Greeno to enship;

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No. 14, A., a bill for an act to authorize persons havi lien upon land to pay the taxes upon the same;

No. 234, A., a bill for an act in relation to costs on ap from the board of supervisors;

No. 317, A., a bill for an act to appropriate to Church Hawley the sum of $196 61;

The ayes and noes being required,

The bill was passed—ayes 26, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Bur Comstock, Cox, Davis, Decker, Egan, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Phillips, dolf, Seeley, Stewart, Taylor, Thurbur, Virgin, Wash and Worthington—26.

Noes none.

On motion of Sen. Hotchkiss,

All rules were suspended in order to put upon their pas bills

No. 417, A., a bill for an act to authorize the commisio of school and university lands to remit penalties in ce cases;

No. 157, A., a bill for an act to amend an act entitled act to incorporate the Mutual Life Insurance Company o city of Madison," approved March 19, 1859;

No. 213, A., a bill for an act to amend an act to incor ate the borough of Fort Howard, and the act amendat thereto, approved October 13, 1856;

No. 243, S., a bill for an act to authorize the commissio of school and university lands to remit penalties in ce cases, and to change the time for the annual distribution of school fund income;

And

No. 231, S., a bill for an act to amend chapter 193, of vate and Local Laws of the year 1859, entitled "an act to corporate the village of Oconto."

The question occurring on ordering to a third reading bi

No. 417, A.,

Sen. A. I. Bennett moved to refer the bill to committee Education, School and University Lands, and

The motion prevailed.

The question occurring on ordering to a third reading bil

No. 243, S.,

Sen. A. I. Bennett moved to amend the bill by adding section 1, the following:

"And provided further that there shall be a re-apportionm of school moneys between the 20th and 25th days of Dec

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in the year 1860, if an aggregate of more than twenty thou-
dollars shall be on hand, subject to such apportionment,
at time;"
nd the motion prevailed.
n. Worthington moved to amend the bill by inserting the
"April" in lieu of "May," and "May" in lieu of "June,"
nd the motion was lost.
e question occurring on ordering the bill as amended to a
reading,
was so ordered and read.
the passage of the bill the ayes and noes were called for,
nd the bill passed—ayes 23, noes 3.
ose who voted in the affirmative were
nators Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-
, Cox, Davis, Decker, Egan, Ferguson, Fratt, Gill, Han-
, Hilgen, Masters, Phillips, Rodolf, Simpson, Stewart,
or, Virgin, Washburn and Worthington—23.
ose who voted in the negative were
nators Hotchkiss, Maxon and Thurbur—3.
. 213, A.,
as ordered to a third reading;
ad and passage concurred in.
. 231, S.,
as ordered to a third reading;
ad and passed.
nator Rodolf moved to amend bill
. 157, A.,
By striking out '4th Wednesday, 22d February,' and in-
3d Wednesday, 21st day of March,' in section 1;"
d the motion prevailed.
e bill, as amended, was then ordered to a third reading;
ad and passed.
nator Rodolf moved to reconsider the vote by which the
e to-day passed bill
. 168, S.,
nator Gill moved to postpone till to-morrow the consider-
of the motion to reconsider;
led out of order.
e question occurring on Senator Rodolf's motion to re-
der;
e ayes and noes were called for;
d the motion was lost—ayes 12, noes 13.
ose who voted in the affirmative, were
nators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen,
kiss, Masters, Maxon, Rodolf, Simpson and Taylor—12.
ose who voted in the negative, were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdi
Comstock, Cox, Curtis, Davis, Phillips, Seeley, Virgin, Wa
burn and Worthington--13.

On motion of Sen. Curtis,

Senate adjourned.

THURSDAY, MARCH 8th, 10 o'clock, A. M

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

RESOLUTIONS INTRODUCED AND CONSIDERE

Res. No. 67, S.,

Resolved, That the Superintendent of Public Property
instructed to procure for each Senator ten copies of the La
of Wisconsin concerning the organization and government
towns, printed by B. Domschke, in the German language: *P*
vided, the price shall not exceed 50 cents per copy;

Which was introduced yesterday, and laid over;

Was taken up and considered.

Sen. Virgin moved to refer the resolution to the commit
on Printing;

The ayes and noes were called for, and

The motion prevailed—ayes 17, noes 11.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Co
stock, Cox, Curtis, Davis, Hanchett, Masters, Phillips, Rod
Seeley, Taylor, Virgin, Washburn and Worthington—17.

Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilg
Hotchkiss, Maxon, Simpson, Stewart and Thurbur—11.

By Sen. Burdick:

No. 68, S.,

Resolved, That the Secretary of State be requested to

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form the Senate the amount audited during the last year for gas for the use of the State, and the price for 1,000 feet.

Adopted.

By Sen. Hotchkiss:

Res. No. 69, S.,

Resolved, That the Superintendent of Public Property be directed to furnish the President of the Senate and each Senator with $3 worth of one-cent postage stamps;

Adopted.

By Sen. A. I. Bennett:

Res. No. 70, S.,

Resolved, That the committee on Printing be instructed to report to the Senate this day,

Bill No. 9, S., in relation to fees for advertising lands for unpaid taxes;

Adopted.

By Sen. Seeley;

Res. No. 71, S.,

Resolved, That when the Senate adjourns to-day, it adjourn to meet at 9 o'clock to morrow morning, and that henceforth the daily meetings of the Senate shall be at 9 o'clock, A. M., and that afternoon sessions be hereafter dispensed with, until further ordered by the Senate.

Sen. Gill moved to amend by striking out 9, and inserting in lieu thereof, half-past 9;

And the motion was lost.

The question occurring on the adoption of the resolution;

It was adopted.

ACCOUNTS,

Presented and referred.

By Sen. Seeley:

No. 33, S., account of S. S. Keyes, assistant sergeant-at-arms, for serving subpoenas;

To committee on Claims.

No. 34, S., account of Mr. Edgar for ventilators, &c.;

To committee on Claims.

BILLS INTRODUCED ON LEAVE,

Read 1st and 2d times, and referred:

By Sen. Simpson:

No. 256, S., a bill for an act to incorporate the Winslow and Jamestown Railroad Company;

To committee on Railroads.

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By Senator Gill:

No. 257, S., a bill for an act to authorize the holdi special term of the circuit court in and for the county ferson;

To Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined ar pared the following bills and find the same correctly eng viz.

No. 150, S., a bill to amend section 8, of chapter 86 Revised Statutes, entitled "of alienation by deed, of th and recording of conveyances and the cancelling of mort

No. 147, S., a bill for an act to amend an act entitl act to consolidate and amend the act to incorporate the Oshkosh, and the several acts amendatory thereto":

No. 135, S,, a bill for an act to amend the charter Kenosha, Rockford and Rock Island Railroad Company

And

No. 180, S., a bill to amend an act entitled an act to certain territory to the town of Hudson.

C. COMSTOCK, C

The committee on Town and County organization, to was referred

No. 237, S., a bill for an act to annex a part of the cou Chippewa to the county of Dallas;

Also,

No, 254, S., a bill for an act to create the town of Fo and to amend chapter 330, of the Private and Local L 1857,

Have had the same under consideration and instruct report the same back to the Senate and recommend their pa

N. H. VIRGIN, C

The Senate committee on Printing to whom was referre

No. 67, S.,

Relating to purchasing town laws in the German langua

Have had the same under consideration and report it with the recommendation that it do pass.

CURTIS,
HOTCHKISS

The committee on Judiciary have had under considerat

No. 55, S., a bill for an act to establish an official Stat per;

And herewith report the same back with amendments commending its passage when so amended.

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Said committee have also had under consideration the several memorials and remonstrances relative to the division of the first ward of the city of Berlin; and herewith report the same back with the recommendation that they severally be referred to the committee on Town and County Organization.

HANCHETT, *Ch'n.*

Said memorials were referred to committee on Town and County Organization.

The committee on Claims, to whom was referred account

No. 39, S., the account of Wm. B. Walton for sixty-three and a half days work, in platting map of the State of Wisconsin, at $3 per day;

Have had the same under consideration and report the same back with the recommendation that it be disallowed, as Mr. Walton has already been paid $300 for said map—$150 in the year of 1858, and $150 in the year of 1859.

BURDICK.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq, Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present to you for signature:

No. 27, S., an act to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings therein;"

No. 166, S., an act to amend section 52, of chapter 28, of the Revised Statutes, entitled "of the school and university lands;"

No. 156, S., an act to amend sections 8 and 16, of chapter 340, of the Private and Local Laws of 1856, entitled "an act to incorporate the Arena and Dubuque Railroad company;"

No. 148, S., an act to amend section 1, of chap. 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, Grant county, to borrow money;"

No. 404, A., an act to refund penalties paid in certain cases;

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has passed

No. 328, A., a bill for an act to amend chapter 151, of the General Laws of 1859, entitled "an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150 of the Rev. Stat."

No. 361, A., a bill for an act to provide for laying out a state road from Ashland to Chippewa Falls;

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No. 362, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

No. 441, A., a bill for an act to extend the time of collections of taxes in the city of Watertown;

And ask the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 130, S., a bill to amend an an act entitled "an act to incorporate the La Crosse Hydraulic company;"

No. 125, S., a bill for an act to amend an an act entitled "an act to incorporate the city of Prescott;"

No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorise the city of Oshkosh to aid in the construction of a railroad;" also chapter 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," approved Oct. 11, 1856; also chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;"

No. 172, S., a bill for an act to incorporate the village of Mauston, in Juneau county.

No. 176, S., a bill for an act relating to the State taz of the county of Door;

J. Res. No. 16, S.,

Relative to the State Historical Society;

Messrs. Judd, Farwell and Munn, were appointed committee on the part of the Assembly.

I am also directed to inform you that the Assembly refused to concur in the passage of

No. 236, S., a bill for an act to amend chapter 22, of General Laws of 1855, entitled "an act relative to the sale of lands for unpaid taxes and the conveyance and redemption thereof;"

I am further directed to inform you that the Assembly has concurred in the Senate amendment to

No. 35[illegible] A., a bill for an act to change the name of Lucy Bell and to establish he guardianship and heirship.

I am also directed to inform you that his Excellency, the Governor, has returned to the Assembly without his approval,

No. 120, A., a bill for an act to incorporate the Eau Claire manufacturing and booming company.

And that the Assembly has refused to pass said bill, notwithstanding the objections of the Governor.

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BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 135, S., a bill for an act to amend the charter of the Kenosha, Rockford and Rock Island Railroad Company;

No. 180, S., a bill for an act entitled "an act to annex certain territory to the town of Hudson."

Sen. Decker moved a reconsideration of the vote by which the Senate, yesterday, passed bill

No. 231, S., a bill for an act to amend chapter 193, of Private and Local Laws of the year 1859, entitled "an act to incorporate the village of Oconto;"

And the motion prevailed.

Sen. Decker asked unanimous consent to amend said bill by striking therefrom sections 16 and 17;

No objection was raised, and

The amendment was made.

The question then occurring on the passage of the bill as amended,

The bill was passed.

Sen. Seeley asked leave of absence for Senator Davis indefinitely, on account of sickness in his family;

Leave was granted.

Sen. Stewart moved to reconsider the vote by which the Senate, yesterday, passed bill

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

And the motion prevailed.

Sen. Worthington moved to refer the bill to the Judiciary committee;

Pending which,

Sen. Maxon asked unanimous consent to amend the bill.

Ruled out of order.

The question occurring on the motion to refer to Judiciary committee;

The ayes and noes were called for, and

The motion was lost—ayes 10, noes 17.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Phillips, Virgin, Washburn and Worthington—10.

Those who voted in the negative were

Senators Cox, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Seeley, Simpson, Stewart, Taylor and Thurbur—17.

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Sen. Maxon moved to reconsider the vote by which the Senate yesterday ordered said bill to a third reading;

Pending which,

Sen. Virgin moved to lay the whole matter on the table;

The ayes and noes were called for, and

The motion was lost—ayes 10, noes 15.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Phillips, Seeley, Virgin, Washburn and Worthington—10.

Those who voted in the negative were

Senators Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Simpson, Stewart, Taylor and Thurbur—15.

The question then occurring on Sen. Maxon's motion to reconsider the vote ordering the bill to a third reading;

The ayes and noes were called for, and

The motion prevailed—ayes 19, noes 10.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Simpson, Stewart, Sweat, Taylor and Thurbur—19.

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Comstock, Hanchett, Phillips, Seeley, Virgin, Washburn and Worthington—10.

Sen. Maxon moved to amend the bill by striking out of sec. 1, the words, "one, two, three and"

Pending which,

Senator Curtis moved to recondider the vote by which the Senate refused to refer the bill to the Judiciary committee;

They ayes and noes were called for,

And the motion prevailed—ayes 15, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hanchett, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—15.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—13.

The question then occurring on committing the bill to Judiciary committee;

The ayes and noes were called for

And the motion prevailed—ayes 15, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hanchett, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—15.

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Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—13.

On motion of Sen. Simpson,

The Senate went into

THE COMMITTEE OF THE WHOLE

On the general file;

Sen. Maxon in the chair.

After sometime spent therein, the committee rose, reported progress and asked leave to sit again.

Leave was granted.

The further report back the following bills with the several recommendations accompanying the same.

No. 160, S., a bill for an act to amend section 19, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings thereon;"

No. 170, S., a bill for an act to amend section 33, of chap. 133, of the Revised Statutes, entitled "fees of jurors;"

No. 174, S., a bill for an act to amend chapter 174, of the Revised Statutes, relative to fugitives from justice;

With the recommendation that they be indefinitely postponed.

No. 165, A., a bill for an act to incorporate the village of Pepin;

No. 185, S., a bill for an act to authorize the formation of railroad corporations, and to regulate the same;

No. 125, A., a bill for an act to make certain records in Brown county, evidence in certain cases;

No. 261, A., a bill for an act to amend chap. 127, of the General Laws of 1859, entitled "an act to require the circuit judge of the 3d judicial circuit to hold special terms of the circuit court;"

With amendments, and the recommendation to pass when so amended.

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

On motion of Sen. A. I. Bennett, bill

No. 185, S.,

Was recommitted to the general file.

Nos. 160, 170, and 174, S.,

Were indefinitely postponed.

The amendments of bills,

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Sen. Maxon moved to reconsider the vote by which the S ate yesterday ordered said bill to a third reading;

Pending which,

Sen. Virgin moved to lay the whole matter on the table;

The ayes and noes were called for, and

The motion was lost—ayes 10, noes 15.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, C Phillips, Seeley, Virgin, Washburn and Worthington—10.

Those who voted in the negative were

Senators Curtis, Decker, Eagan, Ferguson, Fratt, C Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Si son, Stewart, Taylor and Thurbur—15.

The question then occurring on Sen. Maxon's motion to consider the vote ordering the bill to a third reading;

The ayes and noes were called for, and

The motion prevailed—ayes 19, noes 10.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Cox, Curtis, Decker, Ea Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Ma Rodolf, Simpson, Stewart, Sweat, Taylor and Thurbur—1

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Comstock, Hanch Phillips, Seeley, Virgin, Washburn and Worthington—10.

Sen. Maxon moved to amend the bill by striking out of 1, the words, "one, two, three and"

Pending which,

Senator Curtis moved to recondider the vote by which Senate refused to refer the bill to the Judiciary committee;

They ayes and noes were called for,

And the motion prevailed—ayes 15, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burd Comstock, Cox, Curtis, Hanchett, Masters, Phillips, See Stewart, Virgin, Washburn and Worthington—15.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Gill, Hil Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and T bur—13.

The question then occurring on committing the bill to J ciary committee;

The ayes and noes were called for

And the motion prevailed—ayes 15, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, C stock, Cox, Curtis, Hanchett, Masters, Phillips, Seeley, S art, Virgin, Washburn and Worthington—15.

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ose who voted in the negative were
nators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen,
hkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thur-
-13.
motion of Sen. Simpson,
e Senate went into

THE COMMITTEE OF THE WHOLE

the general file;
. Maxon in the chair.
er sometime spent therein, the committee rose, reported
ess and asked leave to sit again.
ve was granted.
further report back the following bills with the several
mendations accompanying the same.
. 160, S., a bill for an act to amend section 19, of the
ed Statutes, entitled "of appeals and writs of error, and
edings thereon;"
. 170, S., a bill for an act to amend section 33, of chap.
of the Revised Statutes, entitled "fees of jurors;"
. 174, S., a bill for an act to amend chapter 174, of the
ed Statutes, relative to fugitives from justice;
th the recommendation that they be indefinitely post-
d.
. 165, A., a bill for an act to incorporate the village of
;
. 185, S., a bill for an act to authorize the formation of
d corporations, and to regulate the same;
125, A., a bill for an act to make certain records in
county, evidence in certain cases;
261, A., a bill for an act to amend chap. 127, of the
al Laws of 1859, entitled "an act to require the circuit
of the 3d judicial circuit to hold special terms of the
court;"
h amendments, and the recommendation to pass when so
ed.

EPORT OF COMMITTEE OF THE WHOLE,

sidered.
motion of Sen. A. I. Bennett, bill
185, S.,
s recommitted to the general file.
. 160, 170, and 174, S.,
re indefinitely postponed.
amendments of bills,

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Nos. 165, 129, and 261, A.,

Were adopted, and the bills as amended were severall dered to a third reading.

Sen. Virgin moved that the Senate do now adjourn, a

The motion was lost.

On motion of Sen. Gill,

The Senate took a recess till half past 7 o'clock this ing.

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7 1-2 o'clock P.

Senate met.

Lieut. Governor in the Chair.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq.; Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has c red in the passage of

No. 116, S., a bill for an act to authorize the Secret State to audit the amount of appropriation to county ag tural societies;

No. 194, S., a bill for an act to incorporate the First versalist Church of Monroe.

I am further directed to inform you that the Assembl passed

No. 219, A., a bill for an act to annex certain territo Geneva School District No. 1;

And asks the concurrence of the Senate in the same.

Senator Bartlett moved that all rules be suspended in to put upon its passage bill

No. 219, A., and

The motion prevailed.

The bill was then read the first and second times, and

Ordered to a third reading,

Read, and the passage concurred in.

SPECIAL ORDER.

J. Res. No. 1, S.;

Joint resolution in relation to riots at Harper's Ferr gether with a substitute, reported by a majority of the mittee on Federal Relations, and

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e report of the minority of said committee,
hich were made the special order for this evening,
ere taken up and considered.
n. Maxon moved a call of the Senate, and the call was sus-
d.
e roll being called, the following named Senators were ab-
vithout leave:
ators Decker, Eagan, Hotchkiss, Hutchinson, Rodolf,
on, Taylor and Washburn.
Sergeant-at-Arms proceeded to summon the absentees.
. A. I. Bennett moved to dispense with further proceed-
nder the call;
d the motion was lost.

REPORT OF THE SERGEANT-AT-ARMS.

Sergeant-at-Arms reports that
ators Decker, Hotchkiss, Hutchinson, Rodolf, Simpson,
r and Washburn, are in their seats;
ator Egan cannot be found, dilligent inquiry having been

ator Virgin moved to dispense with further proceedings
the call;
d the motion was lost.
ator Virgin moved that the report of the Sergeant-at-
be received, and that he be discharged from further duty
the call;
d the motion prevailed.
question then occurring on the adoption of the substi-
r
Res. No. 6, S.
. Egan asked leave of absence from the Senate this eve-

ve was granted.
question recurring on the adoption of the substitute for
Res. No. 6, S.,
. Curtis moved that the further consideration of this sub-
e postponed for one week, and that the J. Res., with the
tute and minority report of the committee on Federal
ons, be made the special order for next Thursday eve-
at half past seven o'clock, and
motion prevailed,
motion of Sen. Sweat,
Senate adjourned.

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FRIDAY, MARCH 9, 9 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. Cox:
No. 258, S., a bill for an act to authorize Burrage B. Downs to keep and maintain a boom on Red Cedar River;
To committee on Roads, Bridges and Ferries.

By Sen. Cox:
No. 259, S., a bill for an act to lay out a State road from Eau Claire in Eau Claire county, via. Falls City and Downsville to Eau Galla, in Dunn county;
To committee on Roads, Bridges, and Ferries.

By Sen. Hanchett:
No. 260, S., a bill for an act to legalize the acts of the Bristol Cemetery Association;
To Judiciary committee.

By Sen. Hanchett:
No. 261, S., a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;

By Sen. Burdick:
No. 262, S., a bill for an act to amend chapter 20, of the General Laws of 1859, entitled "an act to provide for the payment of the clerks of the committees on Claims and the Judiciary;"
Committee on Claims.

By committee on Claims:
No. 263, S., a bill for an act to appropriate to Wm. Edgar the sum of $15 25;
To general file.

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RESOLUTIONS INTRODUCED.

Res. No. 67, S.;

Resolved, That the Superintendent of Public Property, be instructed to procure for each Senator ten copies of Laws of Wisconsin concerning the organization and government of towns, printed by B. Domschke, in the German language, provided the price shall not exceed fifty cents per copy;

Which was introduced on the 7th inst., and laid over,

Was taken up and considered.

The question occurring on the adoption of the resolution,

The ayes and noes were called for;

And the resolution was adopted—ayes 15, noes 7:

Those who voted in the affirmative, were

Senators Burdick, Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Masters, Maxon, Phillips, Stewart, Taylor and Thurbur—15.

Those who voted in the negative, were

Senators G. Bennett, Hanchett, Hutchinson, Rodolf, Virgin, Washburn and Worthington—7.

ACCOUNTS,

By Sen. Phillips:

No. 35, S., account of J. W. Seeley, for serving subpoena;

Committee on Claims.

By Sen. Burdick:

No. 36, S., account of Barliner & Bruno $25;

To committee on Claims.

Sen. Maxon moved to recall from the Assembly bill

No. 219, A.,

And the motion prevailed.

LETTERS, PETITIONS, MEMORIALS, &c.;

Presented and referred.

By Sen. Rodolf:

Mem. C., No. 4, S., memorial to the Post Office department relative to increase of service on mail route 13,069;

The memorial was read first and second times, and

On motion of Sen. Rodotf,

All rules were suspended, in order to put upon its passage said memorial.

The memorial was then ordered to a third reading, read and passed.

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By Sen. Hutchinson:

No. 125, S., memorial of the Board of Regents of the versity of Wisconsin;

To committee on Finance.

On motion of Sen. Sweat,

Account No. 20, S., of A. A. McDonell,

Which is now in the hands of the committee on Claims referred to committee on Contingent Expenses.

REPORTS OF COMMITTEES.

The joint standing committee on Printing have had consideration

No. 9, S.,

And have instructed me to report that said bill provid reducing the rates for publishing the list of returned from, twenty-five cents, to fifteen cents: and the lists on whi time of redemption will expire, from thirty to twenty It has once passed the Senate. The vote by which it p was reconsidered, and the bill then recommitted to the co tee on Printing.

The present rates were fixed by a law passed at th session of the Legislature. The matter was at that time discussed, and the reasons which influenced a majority, to your committee conclusive now.

It appears from the remonstrances against the pro change which have been referred to us, from a majority printers and publishers of the State, that about a year half ago, they held a State Convention; that they car deliberated upon this matter; and after so doing, conc that the rates of the present law would, under all the ci stances, be fair and just. This convention embraced a orable men as the State can boast; men who are quite as to work for a *fair* compensation as any other class; n whom it is but strict justice to say, that they have done a as much to develop the resources of Wisconsin as any o Your committee believe, and think all observing men wil cur with them, that generally their reward has been very m and that they did not at their convention intend to, n they in fact, agree upon a list of prices that is oxorbitant far as we can learn none dissented. The fact that the h honorable men who were members of that convention, a to these rates, seems to your committee to raise a strong sumption that they are not too high, and should, therefor be disturbed. They must know best the expences, the re sibilities and the hazards incurred in the publishing busi Certainly then it would seem that their estimates shou

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as correct until a reason for discrediting them be clearly
nmistackably shown.
nd has such reason been shown? Your committee know
hen, nor where, nor by whom. No complaint has reach-
s, except from the board of supervisors of Rock county.
that does not set out a single fact as a reason for the
ge they ask.
l the presumptions therefore seem strongly in favor of let-
he law remain unchanged.
e attention of your committee has been called to the rates
ed in other states for the same work; and they find that
pays thirty cents for each description, Michigan pays
cents for each description, and we are informed that the
allowed by law in Iowa, is about the same, and in Illinois
nore. We are unable to see any reason why the rates for
ame kind of work should be lower in Wisconsin than in
Western States, unless it be that our printers and pub-
rs are less capable, honest and honorable than their broth-
f the sister States; a supposition which the friends of the
osed change would of course indignantly repel.
l concede the vast importance of the local newspapers.—
l policy requires, therefore, that they be sustained by eve-
ir and legitimate means. This becomes the more neces-
for the reason that our population is generally sparce, and
ocal business on which the county papers have to rely,
ssary small. But they are nevertheless just as much need-
Of course they must charge proportionally higher rates.
erefore, we can so legislate, without wronging any one,
throw into their hands a liberal advertizing patronage, it
d seem that we can in no other way, so well subserve the
interests of the State. Who then is to be injured by let-
the law remain unchanged?
l the additional charges upon returned lands are to the tax
in the nature of a penalty. The twenty-five per cent.
est charged upon tax certificates is *purely* of this nature.
a rate of interest in itself considered, would be outrage-
usurious. How is it to be justified? Only by regard-
t as a penalty. The fees of the treasurer and of the clerk
e board, as well as the twenty-five per cent. interest, and
harges for advertising, are all penalty; and an onerous one
e unlucky man who has finally to pay the aggregate
nt. But all States find it necessary to impose a penalty
the rich and poor, citizen or non-resident, who fails at a
ribed time, to pay his tax. This of course should not be
itant.
nd do the clerk's fees, treasurer's fees, printer's fees, and

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twenty-five per cent. interest, make too large a sum? obviously a reduction should be made. Grant that th and it by no means follows that the printer's fees sho cut down.

Probably none desire any reduction in the fees of the officers, and yet, but a moment's thought is needed to se in proportion to the work actually done, their fees are than the pinter's. If the amount done is to determi matter, it would seem very inconsistent for the Legislat strike down one and leave the other untouched.

But still, assuming that a reduction must be made, on shall it be—the interest, or the price of advertising? fore remarked, good policy should govern in answerin question.

What good results from the twenty-five per cent. int One, and only one. It induces men to pay their taxes the other results are evil, and only evil. It enables a leeches to fatten upon those who hold tax certificates, and as generally the case, realize upon them. These men upon their twenty-five per cent. and are protected by ou when according to our general policy, they should be re as extortioners, and be compelled to lose both principal terest. It helps them, in a legal way, to "grind the the poor."

If, therefore, the penalty, as a whole, is too high, i better way can we discourage this sharking than by re the rate of interest? The Legislature, last year, passed stringent usury law, and were urged to cut down the interest still lower. How obviously would a law reduci rates of interest on tax certificates, harmonize with such lation.

But what would be the practical effect should the bill consideration be come a law? The twenty-five per ce who subsist upon the life-blood of other, are all allowed on undisturbed, and practically encouraged; while the pu ers of newspapers are cut down, some embarrassed, so poverished, some ruined. It is not at all presumeable th friends of this bill *intend* any thing of this kind; but the tical effect must be to help on the extortioners, and to down the publishers, should it become a law. This, it to your committee, would be a wretched policy, which w not too strongly urge the Legislature to avoid.

It has been insisted that in order to decide upo matter correctly, we must determine the cost and worth work done. This seems to your committee an incorrect if it is understood that the publishers should be allowe

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gh to pay actual expenses, and seven or ten per cent. ts on the money invested in those particular jobs.

e physician who settles in a given locality, must regulate harges, to a considerable extent, in view of the business it afford, the cost of living, &c., so that after paying all ex- s a reasonable profit will be realised.

st of our county officers are paid by fees. These are de- d to be regulated so as to pay them such a compensation ll command the services of trustworthy and capable men. are fixed by ascertaining, as near as may be, what the nt of business will be in the counties generally, avoiding in which it will be very large on the one hand and very on the other.

e local newspaper should stand on the same footing. It is as necessary as the physician, and almost as indespensi- all organized counties, as county offices and officers.— gulating the fees for advertising, therefore, the Legislature d consider what rates will be required in a large majority e counties to pay the publishers well, and thereby give to e counties, fully organized, ably conducted newspapers.— damage to the State of sickly, half-starved, poorly con- d papers, would be worse than the general prevalence of k doctors, or incompetent county officers.

this view is correct, the fees now fixed by law should not anged, unless they more than make up, with other patron- a sufficient amount to well sustain the local press. Your ittee are well satisfied that in most of the counties of the , with the present rates, the business of publishing news- s will be no better than other kinds of business, equally dous, responsible, expensive, and requiring an investment e same amount of capital; and that if they are lowered, sult will be that our county press will generally go into ands of incompetent men, a perhaps worse than useless ture be foisted upon the people, and the State greatly suf-

ur committee again report that, in their opinion, it is em- ly proper so to legislate as to foster such institutions as benefit the State, always being careful, of course, not to fice private rights. None deny the right to impose penal- or the non-payment of taxes; who, then, can with greater riety, receive the benefit of those penalties than the print- He is needed in every county. No county can get along ctably without him. The county newspaper is a home in- ion. It is a medium of communication between neigh- —a sort of familiar voice by which they speak to each , and communicate among themselves a knowledge of their

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home interests. They learn from it whom they shall employ to doctor them when they are sick; what lawyer will most likely succeed in getting them into and keeping them out of limbo; who has got married, and who has died; where they can get the most for their produce, and where they can buy the cheapest goods; and, not of the least importance, who will make for them the best officers. When such is its mission, what more just and wise than to foster it by every legitimate means?—And what more legitimate than to allow it to share bountifully in the penalties imposed for the non-payment of taxes? The land he advertises has generally been much enhanced in value by his labors. It has been an especial part of his mission to proclaim the local advantages of his county, and by so doing add vastly to the value of the unoccupied lands, which are almost universally the only lands returned. There would seem to be the greatest propriety and justice in compelling the owners of such lands to pay liberally in this way, and thereby render some compensation for the benefit they have received.

For these, among other reasons, I am instructed to report the bill back, and recommend that it be indefinitely postponed.

H. W. CURTIS,
Chairman Joint Committee on Printing.

The committee on claims, to whom was referred account

No. 34, S., the account of Wm. Edgar, for labor and material in ventillating the Assembly chamber, and for flag staff, by order Seperintendent of Public Property;

Have considered the same and instructed me to report it back by bill;

No. 263, S., a bill to appropriate to Wm. Edgar, the sum of $15 25;

Also bill

No. 98, S., a bill for an act to amend chapter 25, title eight, of the Revised Statutes, entitled "of the publication of legal decisions;"

Have had the had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

Z. P. BURDICK, *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred, bill

No. 73, A., a bill for an act for laying out a State road from Prairie du Chein to LaCrosse;

Respectfully report the same back, with a recommendation that the bill pass.

RODOLF, *Ch'n pro tem.*

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The joint committee on Printing, to whom the subject matter of public printing was referred, respectfully submit the following report:

That a great share of the time of your committee for some five weeks, has been devoted to a thorough examination of this subject. They have heard arguments by two of the commissioners, by the contractor and his counsel—both orally and in writing—have received depositions as to facts; examined the law, the specifications, the contract, the bid, and the specimens for themselves, and the conclusion of the whole matter is, that the only questions involved in the dispute, are questions of *law* and not of *fact*, or any point requiring the skill of a printer to determine.

The first question to be settled is, are the specimens an important part of the countract? By section 5 of the printing act, a majority of your committee are of the opinion, that the specimens are an essential portion of the contract, inasmuch as the law declares they are to be the "standard criterion for doing all work, and the guide for auditing all accounts under the contract."

The point in issue in the first class is: under which item of paper in said class, are the reports, and paper for incidental work to be audited and paid for. There are *two*, and *only two*, items of paper mentioned in that class. The first is for book paper, clearly defined by the law and specifications, in size, weight, and quality. The second is for "bill paper, cap size, and such other incidental jobs as may be required." It is admitted and proven by sundry affidavits, as well as by the quality of the paper in the specimens themselves, that the paper in said specimens is not book paper. The contractor contends that the State could not require of him to use book paper for such work as is indicated by the specimens in the first class, and your committee are not aware that it has been contended he could be compelled to furnish that quality of paper under his bid. And the question then arises, can the State insist on the right to pay for the paper used, of a quality like the specimens under the price bid opposite the item of book paper? The majority of your committee are clearly of the opinion that such a construction would be unjust, and would not stand the test of judicial scrutiny.

The next question is, what size of paper is required, other than for bill paper in the second item of paper, in the first class? There is a size mentioned in that connection, and only one size, and that is cap size, or a size capable of admitting eight pages of matter. As the law and the specifications undertake to fix a size, it is fair to presume, aside from the gram-

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atical construction of the sentence, that the size was intended to be fixed for all the paper to be furnished under that item, and that is either cap size, or no size is fixed, and the contractor is as much at liberty to insist on a smaller size, as the State is on a larger size. The majority of your committee, then, are of the opinion, that the size of paper in the second item in the first class, is fixed at cap size by the terms of the contract, and this disposes of all the controverted points in that class—as no controversy has arisen as to what work belongs in that class; both parties also agree that the specimens, all through, are standards of the *quality* of the work and materials.

As the contractor claims nothing for all the work done in the second class, no controversy has arisen in reference to any construction in that class, and your committee have nothing to offer, except on controverted points.

The next question presented, is whether the *blanks* in the 3d class, are to be counted strictly as "blanks per quire," or whether the paper and size of paper, on which they are printed is to be the standard of count. This is purely a question of law, and is to be determined by the phraseology of the law and the contract. A plausible reason might be presented on both sides; and many ingenious arguments have been presented. It is a new question, and perhaps could only be settled by actual adjudication—a majority of your committee are of the opinion the claim set up by the contractor is not without foundation, but they refrain from giving an unqualified opinion, for the reason they do not wish to settle points where reasonable doubts are involved. They are informed, however, by the contractor, that the bills have been mostly audited as contended for by the commissioners, but that the whole difference for the year 1859, amounts to only about $1,000.

As regards the charge for advertizing, the subject has not been alluded to by other than the contractor and his counsel, in any discussion before us. A majority of your committee consider the matter settled so far as the amount audited goes, by the late decision of the Supreme Court. The contractor claims, by the legal interpretation of his contract, and by sections 57, 58 and 63, of chapter 133, Revised Statutes, that he is entitled to charge a full folio for each description of land advertised; but this would depend upon the fact whether a court would determine each tract of land advertised, a separate advertisement. If such should be the determined fact and law, then under section 19, of the printing law, the contractor would be entitled to charge full legal rates for each folio, and count each tract as a folio. This would give the contractor over

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6,000 more than he would realize, on this item alone, under proposition. As this is a point involving nice distinctions law, your committee do not feel justified in even giving an inion, but will state that the facts and the law on this point go in determining their action in the recommendation herewith bmitted.

The only remaining point of difference that has come to the ice of your committee, is in reference to the claim of the tractor to charge for pamphlet work in the 3d class, at the ce bid for medium blanks in the 3d class. The only legal ument presented against this claim, is that such work was embraced in the bid. A majority of your committee entain no doubt that such work is embraced in the contract, and hout going into a legal disquisition on the subject, would re- to the written opinion of Mr. Abbott, and claim for it such ight as it may deserve.

In conclusion, your committee would state, that as there is ifference of some $125,000, for the work for 1859, between construction put upon the contract by the assignee and his nsel, and the proposition submitted by him to the Senate on — inst., and in view of all the facts, the law and the conct, as it appears to your committee, from the patient investation they have given to the subject; without attempting to dicially determine the points in controversey, (which they uld not, if they would,) a majority of your committee feel as ough they could not properly discharge their duty without esenting some plan of settlement of this ever vexed question. ur committee can see no just ground to censure, either the nmissioners or the contractor—that no blame is justly rgeable to either, but they verily believe that the source of these iritating printing controversies, is the *system* itself, der which the contract was let, and which is no doubt wrong, l the cause of all the mischief. Your committee are of the nion that the law under which the printing contract was let, ght to be so amended as to establish maximum prices for exting the public printing and furnishing materials for the ne, and award the contract to the bidder who offers to deduct greatest discount *pro rata* from such established list of ices.

Without going further into the details of the matters above uded to, the majority of your committee refer the Senate d Assembly to the facts and arguments herewith submitted, l recommend the passage of the bill

No. 251, S., a bill for an act to define and adjust certain

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portions of the contract for public printing, introduced b
committee on printing on the 7th inst.

R. H. HOTCHKISS,
GEO. B. GOODWIN.
JAS. W. SEATON.

The committee on Judiciary, to whom was referred

J. Res. No. 7, S.,

Providing for amending article 8, of the Constitution o
State;

No. 249, S., a bill for an act to define the qualificati
electors in certain cases;

No. 257, S., a bill for an act to authorize the holding
special term of the circuit court in and for the county of
ferson;

And

No. 61, A., a bill for an act to amend chapter 40, o
Local Laws of 1859, entitled "an act to authorize the ci
Milwaukee to assess water rents;"

Have had said resolution and bills under consideration
report the same back, with the recommendation that they
rally do pass.

The committee have also had under consideration

No. 158, S., a bill for an act relating to school, univer
swamp and overflowed lands belonging to the State;

No. 171, S., a bill for an act concerning the sale of
estate on execution issued upon judgments at law, or in
of foreclosure and sale of mortgaged premises;

And

No. 121, A., a bill for an act to amend section 4, of ch
124, of the Revised Statutes, entitled "of the manner of
mencing civil actions;"

And herewith report said bill back with amendments, re
mending their passage when so amended:

Also

No. 140, S., a bill for an act to amend chapter 167, of
Revised Statutes, entitled "of offences against public justi

Which is herewith reported back and passage recommen

Said committee have also had under consideration

No. 41. A., a bill for an act regulating practice in the f
closure of mortgages, in certain cases, where parties are
known;

And report said bills back with the recommendation that
further consideration thereof be indefinitely postponed.

Also

No. 29, S., a bill for an act to amend chapter 29, of the
vised Statutes, entitled "of swamp and overflowed lands;

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d report the same back with the recommendation that it
id on the table.

80

. 240, S., a bill for an act to organize the county of Door
udicial purposes;

d report the same back without recommendation.

HANCHETT, *Ch'n.*

port of the minority of the joint standing committee on
ng, to whom was referred

. 252, S., a bill for an act to provide for the payment of a
f money therein named, to Andrew Proudfit;

is conceded by all parties, that the blanks, for which
egislature is asked to pay, were ordered without authority
r. Mr. Jones, who was then Secretary of State, and
the order, so states before your committee. He justifies
lf on the ground that the time was so short between the
ge of the law making the use of such blanks necessary, and
t which they would be needed, that it would be nearly im-
ble for the clerks of the board of supervisors of the several
ies to furnish them in the manner the law contemplated.
ones also states, and this is conceded by Mr. Calkins, who
hen the State Printer, that he stated that the law did not
rize him to make any such order, and that if he (the
er) did the work, he must do it as cheap as it could be
in the several counties.

is, then, was a job ordered without the authority of law,
ich the Printer had notice; and he virtually agreed that
nsaction should stand outside of his contract, by stipula-
hat he would do the work as cheaply as it could be done
counties.

s true that the Printer stated, after the nature of the
ction was fully explained to him, that he would not do
ork, unless the Secretary of State would order it done;
e claims that this binds the State and puts him in the po-
he would occupy had he never been placed on his guard
the want of authority on the part of the Secretary of
to contract for the work, never been brought to his no-

this seems to your committee preposterous. It is a mat-
the most common notoriety, that an agent can never bind
incipal when he exceeds his authority; and that all must
the extent of that authority or do business with him at
peril, should he overstep his limits. But when an agent
"I want a given job of work done, but I have no author-
contract for it," and is answered—"I will do the work,
ly on condition that you do contract for it as agent;"

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nothing need be said to show the absurdity of attempting to hold the principal bound by such an engagement.

And, in such a transaction, can an *equitable* claim arise? When an agreement is entered into with an agent to do that which all know he is totally without authority to contract for, strong presumption is, that they are making an effort to *wrong* the principal, and should therefore be treated as wrong-doers. It is a familiar maxim that "they who ask equity must do equity."

We are told by Mr. Jones that he made this order for the accommodation of counties that could not well supply themselves otherwise. That he had a perfect right, *on his own individual responsibility*, to make or purchase blanks, and sell them to counties or individuals, certainly none will deny.—That the several counties had a right to purchase them of him, is equally clear. And it seems evident to your committee that it can be no other than an individual transaction with which the State has has nothing to do, and ought not to interfere. If the account of it has gone upon the books in the Secretary's office, it makes no difference. It has no legal right there any more than would an account with the Secretary's grocery-man have, and can no more bind the State.

Why does not Mr. Jones go to the counties that have taken and used these blanks, for his pay? Simply because it would be attended with trouble and expense. But your committee does not understand it to be the duty of the Legislature to assume individual debts, because they may not be good, or because it may be inconvenient and expensive to collect them.

But it is claimed that the counties receiving and using the blanks were notified that they would be charged to them by the State, and that the pay for them would become a debt in favor of the State, and against the respective counties. The evident answer to this is, that, as the whole transaction was without the authority of law, the Secretary had no right nor power to bind the State by any such transaction. This notice to the counties is therefore absolutely void. He has not, because he could not, without authority of law, created a debt in favor of the State, and against the counties.

In short, this seems to your committee to be purely an individual transaction between Mr. Jones and the printers who furnished the blanks, and the counties receiving and using them, in which the State has no concern, and with which it ought not to interfere.

H. W. CURTIS,
KNUD LANGLAND.

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The committee on Engrossed Bills, have examined and compared the following bills and find the same correctly engrossed; viz:

No. 243, S., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases, and to change the time for the annual distribution of the school fund income;

No. 57, S., a bill authorizing the city of Hudson to issue bonds.

C. COMSTOCK, *Ch'n.*

MESSAGE FROM THE SECRETARY OF STATE.

SECRETARY'S OFFICE,
Madison, March 8, 1860.

HON. BUTLER G. NOBLE:

Lieutenant Governor and President of the Senate:

SIR:—In accordance with a resolution of the Senate, passed this day, I have the honor to transmit a statement of the amount audited for gas for the use of the State, for the year 1859. Four thousand two hundred and forty 25-100 dollars, at a price of six dollars per thousand feet.

Respectfully, EDWARD ILSLEY,
As't. Sec'y of State.

Statement of the amount audited by the Secretary of State, for Gas for the use of the State for the year ending December 31st, 1859:

January,	$285 71
February,	727 38
March,	713 68
April,	644 87
May,	215 83
June,	163 56
July,	148 57
August,	158 89
September,	203 65
October,	243 03
November,	321 00
December,	413 44
Total,	$ 0 55

Price $6 per 1000 feet. Notice has been filed in this office that after March 1st, the price per 1000 feet will be $5 00.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 362, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

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To committee on Roads, Bridges and Ferries.

No. 361, A., a bill for an act to provide for laying State road from Ashland to Chippewa Falls;

To committee on Roads, Bridges and Ferries.

No. 141, A., a bill for an act to extend the time of col of taxes in the city of Watertown;

To the Judicary committee.

No. 328, A., a bill for an act to amend chapter 151, General Laws of 1859, entitled "an act relating to p ings for the collection of demands against ships, boats a sels, and to repeal chapter 150, of the Revised Statutes

To the Judiciary committee.

BILLS ON THIRD READING.

The following bill were severally read a third time a curred in:

No. 165, A., a bill for an act to incorporate the vil Pepin;

On the passage of this bill, the ayes and noes were for, and

The bill was concurred in—ayes 23, noes 4.

Those who voted in the affirmative, were

Senators G. Bennett, Comstock, Cox, Curtis, D Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hutch Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, T Thurbur, Virgin, Washburn and Worthington—23.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, Burdick and Maste

No. 125, A., a bill for an act to make certain rec Brown county, evidence in certain cases.

No. 261, A., a bill for an act to amend chapter 127, General Laws of 1859, entitled "an act to require the judge of the Third Judicial Circuit to hold special terms circuit court.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and ed:

No. 57, S., a bill authorizing the city of Hudson to bonds;

No. 243, S., a bill for an act to authorize the Commiss of School and University Lands to remit penalties in c cases, and to change the time for the annual distribution school fund income.

Sen. Curtis moved that bill

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No. 9, S., a bill for an act to amend chapter 22, of the General Laws 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved Feb. 19th, 1859, concerning fees of advertising;

Be made the special order for next Wednesday morning, at 10 o clock;

Withdrawn.

Sen. Curtis asked leave of absence till Tuesday next;

Granted.

On motion of Sen. Ferguson,

The following bills were taken from the general file and placed upon their passage:

No. 257, S., a bill for an act to authorize the holding of a special term of the circuit court in and for the county of Jefferson;

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county;

With amendments.

No. 319, A., a bill for an act authorizing the Superintendent of Public Property to purchase the Governor's message in foreign languages, and for approporation of money for the payment thereof;

Said bill

No. 257, S.,

Was ordered to a third reading, read and passed.

The amendments to said bill

No. 291, A.,

Were adopted, and

The bill as amended, was ordered to a third reading, read, and passage concurred in.

Sen. Virgin moved to amend bill

No. 319, A.,

By striking from the first section thereof the word "ten" before the word "thousand," and inserting in lieu thereof, the word "five;"

The ayes and noes were called,

And the motion was lost—ayes 11, noes 14.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Decker, Egan, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Virgin—11.

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Comstock, Cox, Ferguson, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—14.

Sen. Gill moved that the further consideration of the bill be indefinitely postponed;

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Pending which,
Sen. Hutchinson moved the previous question, and
The call was sustained.
The question being "shall the main question be now put?"
The previous question was ordered.
The question being on ordering the bill to a third reading,
The ayes and noes were called for, and
The Senate refused so to ordered—ayes 11, noes 17.
Those who voted in the affirmative were
Senators A. I. Bennett, Burdick, Comstock, Cox, Hanchett, Hutchinson, Phillips, Seeley, Stewart, Washburn and Worthington—11.
Those who voted in the negative were
Senators G. Bennett, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Virgin—17.

MESSAGE FROM THE ASSEMBLY.

By John S. Dean, Esq., Asst. Clerk thereof.

MR. PRESIDENT:
I am directed to present to you for signature
No. 35, A., a bill for an act to change the name of Lucy Bell, an to establish, her guardianship an heirship;
No. 306, A., a bill for an act for the relief of Sheboygan county;
And
No. 436, A., a bill for an act to amend chapter 131, of the Private and Local Laws of 1857, entitled "an act to incorporate the city of Mineral Point."
Which have been signed by the Speaker.
I am also directed to inform you that the Assembly has passed
No. 420, A., a bill for an act to provide and appropriate compensation to the officers of the Legislature;
And asks the concurrence of the Senate in the same.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. PRESIDENT—
I am directed to return herewith
No. 219, A., a bill for an act to annex certain territory to Geneva school district No. 1:
As requested by the Senate.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. A. I. Bennett:

No. 72, S.,

Resolved, That when the Senate adjourn to-morrow, it adjourns to meet at 4 o'clock, P. M., on Monday next;

On the question of adopting the resolution,

The ayes and noes were called for, and

The resolution was adopted—ayes 18, noes 9.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Ferguson, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Washburn and Worthington—18.

Those who voted in the negative were,

Senators Cox, Decker, Eagan, Fratt, Hutchinson, Masters, Phillips, Thurbur and Virgin—9.

On motion of Sen. Stewart,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file,

Sen. Stewart in the chair.

After some time spent therein, the committee rose, reported that they had had under consideration bill

No. 85, S.,

Had made some progress therein, and asked leave to sit again;

Leave was granted.

Sen. Maxon moved to reconsider the vote by which the Senate, yesterday, passed bill

No. 219, A., a bill for an act to annex certain territory to Geneva school district No. 1;

And the motion prevailed.

Sen. Bartlett moved to commit the bill to the committee on Education, School and University Lands;

And the motion prevailed.

Sen. Hotchkiss moved that the documents which accompanied the report, to-day, made by a majority of the Printing committee, be placed upon the journal;

Pending which,

Sen. Hutchinson moved that the Senate do now adjourn.

The ayes and noes were called for, and

The motion was lost—ayes 12, noes 13.

Those who voted in the affirmative were,

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Senators Bartlett, A. I. Bennett, G. Bennett, B
Comstock, Cox, Hanchett, Hutchinson, Masters, Seeley,
burn and Worthington—12.

Those who voted in the negative were,

Senators Decker, Eagan, Ferguson, Fratt, Gill,
Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and
—13.

Senator Virgin moved to reconsider the vote by wh
Senate refused to adjourn;

Ruled out of order.

Senator Stewart moved to lay on the table the mo
Senator Hotchkiss;

The ayes and noes were called for,

And the motion prevailed—ayes 14, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, B
Comstock, Cox, Gill, Hanchett, Masters, Seeley, Stewa
gin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Hilgen, Hot
Hutchinson, Maxon, Rodolf, Simpson, Sweat, Taylor and
bur—13.

Senator Worthington moved that the Senate do now ad

The ayes and noes were called for,

And the motion prevailed—ayes 14, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Bu
Comstock, Cox, Hanchett, Hutchinson, Masters, Seeley,
art, Virgin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Gill, F
Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and
bur—13.

Senate adjourned.

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SATURDAY, MARCH 10th, 9 o'clock, A. M.

enate met.
eut. Governor in the chair.
oll called and quorum present.
eading of the journal of yesterday dispensed with.

ETTERS, PETITIONS AND MEMORIALS, &c.,

esented and referred.

Sen. Maxon:
. C. No. 5, S., memorial to the Postmaster General for a ge in a mail route;
n motion of Sen. Maxon,
ll rules were suspended in order to put said memorial on assage;
he memorial was then ordered to a third reading, read, and ed.
eave of absence till Tuesday next, was granted to enators Decker, Eagan and Sweat.
eave of absence till Monday next, was granted to enators Burdick, Comstock, Seeley and Stewart.

Sen. Decker:
o. 126, S., petition of William Scott and 57 others, asking Legislature to take certain territory from Kewaunee coun- nd attach the same to the county of Brown;
o committee on Town and County Organization.

Sen. Geo. Bennett:
o. 127, S., memorial of the board of supervisors of Keno- county to increase the number of supervisors for the city Kenosha;
o committee on Town and County Organization.

SOLUTIONS INTRODUCED AND CONSIDERED

Sen. Maxon:
es. No. 73, S.,
Resolved, That the Judiciary committee be, and are hereby ructed to inquire into the expediency of authorizing the erintendent of Public Property and Secretary of State, or r proper officer, to contract with the lowest bidder for fur-

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nishing gas light for the use of the capitol and capitol
and said committee are requested to report by bill or
wise;

Adopted.

By Sen. Washburn:

Res. No. 74, S.,

Resolved, That when the Senate adjourns to-day, it ad
to Tuesday next, at 4 o'clock P. M.

Sen. Virgin moved to lay the resolution on the table, a
motion prevailed.

BILLS INTRODUCED ON LEAVE.

Read first and second time and referred.

By committee on claims:

No. 264, S., a bill for an act to appropriate to Josi
Seeley, the sum of $36,25;

To general file.

By committee on Claims:

No. 265, S., a bill for an act to appropriate to S. S.
the sum of $23;

To general file.

By Sen. Simpson:

No. 266, S., a bill for an act to lay out a State road
named;

To committee on Roads, Bridges and Ferries.

By Mr. Simpson:

No. 267, S., a bill for an act to provide for the laying
State road therein named;

By Sen. Bennett:

No. 268, S., a bill for an act entitled an act to amend
entitled an act to consolidate and amend the act to incor
the city of Kenosha, and the several acts amendatory the

To committee on Town and County Organization.

By Sen. Hanchett:

No. 269, S., a bill for an act to provide for issuing a
of certain lands to Michael Gleiter;

To Judiciary committee.

REPORTS OF COMMITTEES.

The committee on Claims to whom was referred accou

No. 33, S., the account of S. S. Keyes, for subpo
witnesses for Investigating committee;

No. 35, S., the account of J. W. Seeley, for subpo
witnesses before Investigating committee;

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lave had the same under consideration and report them back
bills,

lo. 265, S., a bill for an act to appropriate to S. S. Keyes,
sum of $23;

lo. 264, S., a bill for an act to appropriate to J. W. Seeley,
sum of $36,25;

nd recommend the passage of said bills.

lso,

o. 20, S., the account of A. A. McDonell, for labor and
erial on capitol extension;

ave had the same under consideration, and report it back,
recommend that it be referred to a Select committee.

Z. P. BURDICK, *Ch'n.*

he committee on Engrossed Bills has examined and com-
d

o. 231, S., a bill for an act to amend chap. 193, of the Pri-
and Local Laws of the year 1859, entitled "an act to in-
porate the village of Oconto;"

nd find the same correctly engrossed.

C. COMSTOCK.

he committee on Incorporations, to whom was referred

lo. 246, S., entitled "a bill for an act to revive the Rock
ke Cemetry Association;"

Iave had the same under consideration, and instructed me
report the same back to the Senate and recommend its
sage.

M. W. SEELEY, *Ch'n.*

he committe on Finance, report back bill

o. 198, S., a bill for an act to amend an act to provide for
osing of the drainage fund, and the distribution of the in-
st thereof;

nd recommend its passage.

A. I. BENNETT, *Ch'n.*

he select committee to whom was referred the claim of
son McNeal against the State, beg leave to report:

hat the said claim is predicated upon a loss alleged by the
mant to have been necessarily sustained by him by reason
he disccunt at which he was obliged to dispose of the State
ipt received by him of the State on account of his monthly
mates for the construction of the main building of the State
pital for the Insane, in converting the said Script into
.

he committee, after a careful examination of the contract
veen the claimant, on his part, and the commissioners, on
part of the State, conclude that the contractor was, by the

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terms of the contract, entitled to the amount due on his r
ly estimates *in money;* and that those amounts were due
the estimates were made.

From the testimony of the commissioners, and of the
Treasurer, as well as an inspection of the records of the
urer's office, it appears that during the months of Nov
and December, in 1857, and the months of January, Feb
March and April, in 1858, State Script was issued
claimant which he sold at different rates of discount to b
houses in the city of Madison, amounting in the aggreg
$5,630 81 ; and that during the month of October foll
the aggregate amount of $28,820 71 was received and di
of by the claimant in a similar manner.

The claimant alleges that there were no funds in the
Treasury, subject to this script, at the various times w
received it; but the Committee are of the opinion that
were in the Treasury to pay the issues of script nun
respectively, 47, 48 and 49, of February and March,
amounting to $1,100 45, though the books of the Treasu
dicate that they were not paid on the day they were i
and we do not, therefore, in our computations, take into c
eration that amount.

We report the whole amount of script necessarily di
of at a discount, by the claimant, as follows:

At 10 per cent.	$4,382 21	—discount amounting to	$438
15....do....	148 15	....do.....do	22
3....do....	16,208 26	....do.....do.....	486
5....do....	12,612 45	....do. .....do.....	630
Total,.....		.....	$1,577

The committee unanimously conclude that the claima
a just and equitable claim against the State, for the said
of $1,577 31.

MASTERS,
PHILLIPS,
SWEAT,
Select Commit

Senator Stewart moved to lay upon the table the clai
Mr. McNeal, and

The motion was lost.

Senator Phillips moved to refer the claim to the com
on Claims, and

The motion was lost.

Senator Burdick moved that McNeal be permitted to
draw his claim, and

The motion prevailed.

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The committee on Roads, Bridges and Ferries, to whom was referred

No. 202, S., a bill for an act concerning a bridge pier at Kewaunee;

Also,

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge across the Manitowoc river;

Have had the same under consideration and instructed me to report the same back to the Senate without amendment and recommend their passage.

P. B. SIMPSON, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 9th of March inst. they presented to the Governor, for his approval, the following bills, viz:

No. 35, A., a bill for an act to change the name of Lucy Bell and to establish her guardianship and heirship.

No. 436, A., a bill for an act to amend chapter 131, of the Private and Local Laws of 1857, entitled "an act to incorporate the city of Mineral Point;"

No. 306, A., a bill for an act for the relief of Sheboygan county.

C. MILLER, *of Assem. Com.*
GEO. BENNETT, *of Sen. Com.*

The joint committee on Enrolled Bills, report that they, on the 10th inst., presented to the Governor for his approval, the following bills :

No. 166, S., an act to amend section 52, of chapter 28, of the Revised Statutes, entitled "of the school and university lands;"

No. 148, S., an act to amend section 1, of chap. 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, Grant county, to borrow money;"

No. 156, S., an act to amend sections 8 and 16, of chapter 340, of the Private and Local Laws of 1856, entitled "an act to incorporate the Arena and Dubuque Railroad company;"

No. 27, S., an act to amend section 26, of chapter 139, of the Revised Statutes, entitled "of appeals and writs of error, and proceedings therein;"

No. 404, A., an act to refund penalties paid in certain cases;

GEO. BENNETT, *Senate Com.*
C. MILLER, *Assembly Com.*

The Select committee to who was referred bill

No. 99, A,

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Have had the same under consideration, and herewith report the same back without amendments, and recommend its passage.

E. DECKER, *Ch'n.*

The majority of committee on State Affairs, to whom was referred

No. 283, A., a bill for an act to equalize the State tax for Brown county;

Have had the same under consideration, and report the same back with an amendment, and when so amended recommend its passage.

HUTCHINSON, *Ch'n.*

The majority of committee on Education, School and University Lands, to who was referred

No. 219, A., a bill for an act to annex certain territory to Geneva school district No. 1;

Have had the same under consideration, and report the same back with recommendation that it pass;

HUTCHINSON, *Ch'n.*

The majority of committee on Education, School and University Lands, to whom was referred

No. 230, S., a bill for an act to authorize school district No. 1, of the town of Jefferson to raise a tax to build a school house;

Have had the same under consideration and directed me to report the same back with recommendation that it pass.

HUTCHINSON, *Ch'n.*

The committen on the Judiciary to whom was referred

No. 164, S., a bill for an act for the protection of religious assemblies;

Have had said bill under consideration, and a majority of said committee, (Hanchett and Washburn dissenting,) have instructed me to report the same baek with the recommendation of indefinite postponement, it being the opinion of a majority of said committee that the objects sought be obtained by said bill, are sufficiently secured by section 6, of chapter 183, of the Revised Statutes.

HANCHETT, *Ch'n.*

The committee on Judiciary have had under consideration:

No. 246, S., a bill for an act to repeal section 2, of chapter 197, of Laws of 1859;

No. 260, S., a bill for an act to legalize the acts of the Bristol Cemetery Association;

And

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No. 441, A., a bill for an act to extend the time of collection of taxes in the city of Watertown;

And herewith herewith report said billt back, recommending their passage.

Said committee have also had under consideration the following bills:

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150;

No. 173, S., a bill for an act to amend section 95, of chapter 18, and sections 57, and 127, of chapter 13 of the Revised Statutes, relative to the duties of county treasurers and clerks of the board of supervisors;

And

No. 328, A., a bill for an act to amend chapter 151 of the General Laws of 1859, entitled "an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150, of the Revised Statutes;"

And report said bills back with amendments, recommending their passage when so amended.

Said committee have also had under consideration

No. 233, S., a bill for an act to amend chapter 83, Revised Statutes, entitled "of the nature and qualities of estates in real property, and the alienation thereof," and chapter 84, of Revised Statutes, entitled "of uses and trusts;"

And

No. 261, S., a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

And herewith report said bills back, with the recommendation that the further consideration thereof be indefinitely postponed.

Said committee have also considered

No. 63, S., a bill for an act to authorize the board of Supervisors of the several counties in this State to appoint a superintendent of county poor;

And

No. 203, S., a bill for an act to define the boundaries of the Third and Ninth Judicial Circuits of this State;

And report said bills back without recommendation.

HANCHETT, *Ch'n.*

The majority of committee on Education, School and University Lands, to whom was referred,

No. 417, A., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases;

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Report the same back without amendment, and recom
passage.

HUTCHINSON. C

Senator Bartlett moved to reconsider the vote by whi
Senate yesterday refused to order to a third reading, bill
No. 319, A.,
The ayes and noes were called for,
And the motion prevailed—ayes 13, noes 9.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, Burdick, Comstock
Hanchett, Hutchinson, Phillips, Seeley, Stewart, V
Washburn and Worthington—13.
Those who voted in the negative were
Senators Decker, Ferguson, Fratt, Gill, Hilgen, M
Maxon, Simpson and Taylor—9.
Senator Virgin moved to amend the bill by striking fr
first section thereof the word "ten" before the word '
sand," and inserting in lieu thereof the word "five;"
And the motion was lost.
Senate Stewart moved to postpone the further consid
of the bill till next Monday;
And the motion prevailed.
On motion of Senator Gill, all rules were suspended i
to put upon their passage bills
No. 230, S., a bill for an act to authorize school distri
1, of the town of Jefferson, to raise a tax to build a
house;
No. 206, S., a bill for an act to authorize the Bank of
town to reduce its capital stock;
No. 99, A., a bill for an act to amend sections 35 and
chapter 2, of the Revised Statutes, entitled "of the d
of the State into counties, and their boundaries;"
And,
No. 126, A., a bill for an act to provide for the dispos
expenditure of the drainage fund moneys in Shawano c
The question occurring on the recommendation of th
mittee on Public Lands to indefinitely postpone bill
No. 126, A.,
The Senate refused to so postpone.
The question then occurring on ordering the bill to a
reading;
It was so ordered and read.
On the passage of the bill the ayes and noes were call
And the passage was concurred in—ayes 12, noes 4.
Those who voted in the affirmative were
Senators A. I. Bennett, G. Bennett, Cox, Decker,

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, Hanchett, Hilgen, Masters, Maxon, Taylor and Virgin—

'hose who voted in the negative were
enators Bartlett, Simpson, Washburn and Worthington—4.
'he question occurring on ordering to a third reading bill
'o. 99, A.,
; was so ordered, read, and the passage concurred in.
he question occurring on ordering to a third reading bill
o. 206, S.,
was so ordered, read and passed.
ne question occurring on ordering to a third reading bill
o. 230, S.,
was so ordered and read.
n the passage of the bill the ayes and noes were required,
nd the bill was passed—ayes 18, noes 0.
hose who voted in the affirmative were
enators Bartlett, A. I. Bennett, G. Bennett, Cox, Decker,
t, Gill, Hilgen, Hutchinson, Masters, Maxon, Phillips,
pson, Taylor, Virgin, Washburn and Worthington—18.
one voted in the negative.
n motion of Sen. Bartlett,
ll rules were suspended in order to put upon its passage
o. 219, A., a bill for an act to annex certain territory to
eva school district No. 1;
he question occurring on ordering the bill to a third read-
;
was so ordered, read and passage concurred in.

MESSAGE FROM THE ASSEMBLY,

y L. H. D. Crane, Esq., Chief Clerk thereof;
PRESIDENT:
m directed to inform you that the Assembly has concurred
e amendments of the Senate to the following bills:
o. 125, A., a bill for an act to make certain records in
n county, evidence in certain cases;
o. 261, A., a bill for an act to amend chapter 127, of the
eral Laws of 1859, entitled "an act to require the circuit
e of the Third Judicial Circuit to hold special terms of
circuit court;
o. 165, A., a bill for an act to incorporate the village of
n;
o. 14, A., a bill for an act to authorize persons having a
upon land to pay the taxes upon the same;
o. 213, A., a bill for an act to amend an act to incorporate
orough of Fort Howard, and the several acts amendatory
to, approved Oct. 13, 18—;

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And

No. 157, A., a bill for an act to amend an act entitled act to incorporate the Mutual Life Insurance Company city of Madison," approved March 19, 1859.

I am further directed to return to the Senate

No. 275, A., a bill for an act to amend sections 69 a of chapter 18, of the Revised Statutes, entitled "of the a ment and collection of taxes;"

Which has been corrected, as requested by the Senate.

I am further directed to inform you that the Assembl concurred in the passage of

No. 114, S., a bill for an act to provide for the purch certain copies of Webster's Dictionary, for the supply o cient school districts of the State;

No. 117, S., a bill for an act to provide for the remo the county seat of Buffalo county;

No. 221, S., a bill for an act to extend the time for th lection of taxes in the county of Marathon;

No. 243, S., a bill for an act to authorize the Commi ers of School and University Lands to remit penalties i tain cases, and to change the time for the annual distribut the School Fund Income;

No. 242, S., a bill for an act concerning testimony vestigation;

Was amended, and concurred in as amended.

I am further directed to inform you that the Assembl passed

No. 189, A., a bill for an act to authorize the towns, and villages, of the county of Dodge, to retain license m in their town, city and village treasuries.

No. 228, A., a bill for an act authorizing the laying ou State road from the village of Eau Claire City, in Eau county, to the mouth of Hay river, in Dunn county;

No. 352, A., a bill for an act to incorporate the Milw and Cedarburg plank road company;

No. 354, A., a bill for an act to amend an act entitled act to incorporate the Peshtigo lumbering and manufact company," approved October 11, 1856, and the amend thereto;

No. 263, A., a bill for an act to reduce the capital st the Walworth County Bank;

No. 394, A., a bill for an act to authorize the bo trustees of the village of Viroqua, Bad Ax county, to l tax;

No. 363, A., a bill for an act to authorize the St. River Bank to reduce its capital stock;

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No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet county, to Wrightstown, in Brown county;

No. 370, A., a bill for an act to incorporate the Thiensville Fire Engine company;

No. 374, A., a bill for an act to amend chap. 127, of the Revised Statutes, entitled "of arrest and bail;"

No. 410, A., a bill for an act to appropriate to Seth M. Van Bergen the sum of $765,83;

No. 411, A., a bill for an act to appropriate to Thomas McFarland the sum of $81,75;

Also has adopted,

J. Res. No. 25, A., relative to final adjournment.

And asks the concurrence of the Senate in the same.

On motion of Sen. Hutchinson,

The Senate went into

THE COMMITTEE OF THE WHOLE,

On the general file of bills;

Sen. Hutchinson in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same.

No. 353, A., a bill for an act to legalize the official acts of Willard L. Chase, a justice of the peace of the county of Dane;

With the recommendation that it be referred to the delegation from Dane county.

No. 338, A., a bill for an act for the relief of settlers on N. E. quarter of section 16, town 26, range 16, in Shawana county;

No. 337, A., a bill for an act to authorize the city of Madison to levy and collect a special tax for the years 1860, and 1861;

No. 57, A., a bill for an act to provide for the disposal of the drainage fund moneys in the county of Fond du Lac;

No. 327, A., a bill for an act to authorize the district board of joint school district No. 2, of the town and city of Ripon to collect a tax;

No. 251, A., a bill for an act to appropriate to Thomas B. Lacy the sum of $87 68;

No. 179, S., a bill for an act to reduce the capital stock of the Clark County Bank;

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No. 23, S., a bill for an act concerning judgments in certain cases;

No. 222, S., a bill for an act relating to the public schools of the city of Oshkosh;

No. 224, S. a bill for an act to appropriate to Hugh Campbell the sum of $127;

No. 209, S., a bill for an act to amend section 106, of chapter 28, of the Revised Statutes, entitled "of school and university lands;"

No. 217, S., a bill for an act to amend chapter 23, of the Revised Statutes, entitled "of common schools;"

No. 216, S., a bill for an act to appropriate to James M. Flower the sum of money therein named;

With the recommendation that they do pass.

No. 54, S., a bill for an act to amend chapter 167, of the of the General Laws of 1859, entitled "an act to amend chapter 18, of the Revised Statutes, entitled 'of the assessment and collection of taxes;'"

No. 115, A., a bill for an act to legalize certain proceedings of county courts and courts of probate;

No. 102, A., a bill for an act to amend section 75, of chapter 133, of the Revised Statutes, entitled "of cost and fees;"

With the recommendation of indefinite postponement.

REPORT OF THE COMMITTEE OF THE WHOLE

Considered.

Nos. 209, 216, 222, and 224, S.,

Were ordered engrossed for a third reading.

Nos. 57, 327, 337, and 338, A.,

Were ordered to a third reading.

Sen. Bartlett moved to strike from bill No. 217, S., the third section, and constitutet in lieu thereof, the following:

"It shall be the duty of the town superintendent in each town by such alerations as may be nececssary for that purpose as early as practicable, to make every school district in his town conform in respect to limits, figures and boundaries to the provisions of said section 45, so as aforesaid amended, and his neglect so to do on the application, in writing, of any person liable to pay taxes or owning real estate in any such district, shall be deemed a decision from which such person may appeal for redress to any tribunal having cognizance in the matter;"

And the motion prevailed.

No. 353, A.,

Was referred to the Dane county delegation.

On motion of Sen. Hutchinson,

The Senate adjourned till 4 o'clock Monday afternoon.

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MONDAY, MARCH 12, 4 o'clock, P. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Eggleston.
Roll called and quorum present.
Reading of the journal of Saturday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Sen. Burdick:

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

To the committee on Claims.

By Sen. A. I. Bennett:

No. 271, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled "an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;"

To the committee on Finance.

By Sen. Bartlett:

No. 272, S., a bill for an act to provide for the holding of the annual school meeting in school district No. 4, of the town of East Troy;

To committee on Education, School and University Lands.

By Sen. Ferguson:

No. 273, S., a bill for an act regulating railroads;

To Finance committee.

By Sen. Ferguson:

No. 274, S., a bill for an act exempting certain property therein named from taxation;

To Finance committee.

By Senator Masters:

No. 275, S., a bill for an act to prevent stallions, in certain cases, from running at large;

To committee on Agriculture.

By Senator Gill:

No. 276, S., a bill for an act to amend the several acts relating to the charter of the city of Watertown;

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On motion of Senator Gill,

All rules were suspended in order to put said bill upon its passage;

The bill was then ordered to a third reading;

Read and passed.

By Senator Decker:

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Oconto and Kewaunee counties;

To the Judiciary committee.

By special com. composed Sens. Hutchinson and Simpson:

No. 277, S., a bill for an act to amend chapter 13, of Revised Statutes, entitled "of counties and county officers."

RESOLUTION INTRODUCED AND CONSIDERED.

By Senator Masters:

Res. No. 75, S.,

Resolved, That on and after Tuesday, the 13th inst., the Senate will hold two sessions each day, one to commence at 9 o'clock, A. M., and one at 7 1-2 o'clock, P. M.;

Adopted.

Senator Cox moved to re-call from the Assembly, bill

No. 57, S., a bill for an act to authorize the city of Hudson to issue bonds;

And the motion prevailed.

REPORTS OF COMMITTEES

The committee on Finance to whom was referred Senate bill

No. 247, S., relative to the collection of taxes;

Report the same back, and recommend that it be referred to the committee on the Judiciary.

A. I. BENNETT, *Ch'n.*

The special committee to whom was referred

No. 127, A., a bill for an act to abolish the board of county supervisors, and provide for the election of county commissioners;

Report the same back with recommendation that the same do lie upon the table.

And recommend the passage of

No. —— an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

Herewith reported.

B. E. HUTCHINSON,
P. B. SIMPSON.

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The committee on Engrossed Bills, have examined and compared the following bills, and find the same correctly engrossed, viz:

No. 216, S., a bill for an act to appropriate to James M. Flower the sum of money therein named;

No. 217, S., a bill for an act to amend chapter 23, of the Revised Statutes, entitled "of common schools."

C. COMSTOCK, *Ch'n.*

The committee on Benevolent Institutions, to whom was referred

No. 313, A., amendatory of chapter 88, of the General Laws of 1857, relative to the House of Refuge;

Report the same back with an amendment, and when so amended recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Enrolled Bills, report that they have examined the following bills, and find them correctly enrolled, viz:

No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorise the city of Oshkosh to aid in the construction of a railroad;" also chapter 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad,' approved Oct. 11, 1856; also chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;"

No. 175, S., a bill for an act relating to the State tax of the county of Door;

No. 130, S., a bill for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic company;"

No. 125, S., a bill for an act to amend an act entitled "an act to incorporate the city of Prescott;"

No. 194, S., a bill for an act to incorporate the First Universalist Church of Monroe;

No. 116, S., a bill for an act to authorize the Secretary of State to audit the annual appropriation to county agricultural societies;

No. 243, S., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases, and to change the time for the annual distribution of the school fund income.

GEO. BENNETT, *Ch'n.*

The committee on Finance report back bill

No. 218, S.,

Relative to the drainage fund, with one amendment, and when so amended recommend its passage.

A. I. BENNETT, *Ch'n.*

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The committee on Education, School and University Lands, to whom was referred

No. 42, A., a bill for an act exempting certain University Lands from taxation;

Have had the same under consideration and report the same back with an amendment, and when so amended recommend its passage.

HUTCHINSON *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred bill

No. 222, A., entitled "an act to provide for the inspection of plank, gravel and turnpike roads constructed by companies incorporated by special acts of the Legislature;"

No. 177, S., entitled a bill for an act to establish a highway therein described;

No. 259, S., entitled "a bill for an act to lay out a State road from Eau Claire, in Eau Claire county, via Falls City and Downsville, to Eau Galla, in Dunn county;

No. 361, A., entitled a bill for an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 362, A., entitled a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

Have had the same under consideration and instructed me to report the same back with an amendment to each of said bills, and when so amended recommend their passage.

Also,

No. 266, S., entitled a bill for an act to lay out a State road therein named;

No. 258, S., entitled a bill for an act to authorize Burrage B. Downs to keep and maintain a boom upon Red Cedar river;

No. 267, S., entitled a bill for an act to provide for laying out a State road therein named;

Without amendment, and recommend their passage.

P. B. SIMPSON, *Ch'n.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred:

No. 410, A., a bill for an act to appropriate to Seth M. Van Bergen the sum of $765,83;

No. 411, A., a bill for an act to appropriate to Thomas McFarland the sum of $81,75;

No. 420, A., a bill for an act to provide and appropriate compensation to the officers of the Legislature;

To general file.

No. 374, A., a bill for an act to amend Chapter 127 of the revised statues, entitled "of arrest and bail;"

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To Judiciary committee.

No. 189, A., a bill for an act to authorize the towns, cities, and villages of the county of Dodge to retain license money in their town, city, and village treasuries;

No. 394, A., a bill for an act to authorize the board of trustees of the village of Viroqua, Bad Ax county, to levy a tax;

To Finance committee.

No. 354, A., a bill for an act to amend an act entitled "an act to incorporate the Peshtigo lumbering and manufacturing company," approved October 11, 1856, and the amendments thereto;

No. 370, A., a bill for an act to incorporate the Thiensville Fire Engine company;

To committee on Incorporations.

No. 263, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital stock;

No. 363, A., a bill for an act to reduce the capital stock of the Walworth County Bank;

To committee on Banks and Banking.

No. 228, A., a bill for an act authorizing the laying out of a State road from the village of Eau Claire City, in Eau Claire county, to the mouth of Hay river, in Dunn county;

No. 352, A., a bill for an act to incorporate the Milwaukee and Cedarburg plank road company;

No. 403, A., a bill for an act to provide for laying out a state road from Chilton, in Calumet county, to Wrightstown in Brown county;

To committee on Roads, Bridges and Ferries.

Jt. Res. No. 25, A., relative to final adjournment, on 27th of March;

Sen. Simpson moved to amend the resolution by striking out "27th of March," and inserting in lieu thereof "2nd day of April next."

Sen. Masters moved to amend the amendment by striking out "2nd day of April next," and inserting in lieu thereof "29th day of March;"

Lost.

The question then occurring on the adoption of Sen. Simpson's amendment,

It was lost.

The question then occurring on the adoption of the resoultion,

It was adopted.

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BILLS ON THEIR THIRD READING.

The following bills were severally read a third time a
passage concurred in:

No 338, A., a bill for an act for the relief of settlers
E. quarter of section 16, town 26, range 16, in Shav
county;

No. 337, A., a bill for an act to authorize the city of
son to levy and collect a special tax for the years 186
1861;

The ayes and noes being required,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative, were.

Senators Bartlett, A. I. Bennett, G. Bennett, Bu
Comstock, Cox, Decker, Fratt, Gill, Hanchett, Hilgen, I
inson, Phillips, Seeley, Taylor, Thurbur, Virgin, Was
and Worthington—19.

None voted in the negative.

No. 57, A., a bill for an act to provide for the dispo
the drainage fund moneys, in the county of Fond du Lac

No. 327, A., a bill for an act to authorize the district
of joint school district No. 2, of the town and city of I
to collect a tax;

The ayes and noes being required,

The bill was passed—ayes 20, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Bu
Comstock, Cox, Decker, Fratt, Gill, Hanchett, Hilgen, H
inson, Masters, Phillips, Seeley, Simpson, Stewart, V
Washburn and Worthington—20.

None voted in the negative.

No. 319, A., a bill for an act authorizing the superinte
of public property to purchase the Governor's message i
eign languages, and for an appropriation of money for the
ment thereof;

Sen. Hutchinson moved to amend the bill by striking
the first section therehof, the word "ten" before the
"thousand," and inserting in lieu thereof, the word "five

Sen. Virgin called for a division of the question, and a
ion was ordered.

The question occurring on striking out the word "ten,"

The motion prevailed.

The question then occurring on inserting the word "si

Sen. Virgin moved to amend by inserting 4,999, inst
6,000, and

The motion was lost.

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Sen. Simpson moved to postpone the further consideration of bill till day after to-morrow, and

The motion was lost.

Sen. Thurbur moved to strike out the word "Dutch" and ert in lieu thereof the word "German;"

Ruled out of order.

Sen. Simpson moved to strike out all after the enacting se;

Ruled out of order.

he question recurring on the motion to insert the word six, he ayes and noes were callled for, and

he motion prevailed—ayes 13, noes 10.

hose who voted in the affirmative, were

enators Bartlett, A. I. Bennett, G. Bennett, Burdick, nstock, Cox, Hanchett, Hutchinson, Phillips, Seeley, Stew- Washburn and Worthington—13.

hose who voted in the negative, were

enators Decker, Ferguson, Fratt, Gill, Hilgen, Masters, pson, Taylor, Thurbur and Virgin—10.

en. Simpson moved a call of the Senate, and

he call was ordered.

he roll was called, and

enators Maxon and Rodolf were absent without leave.

he Sergeant-at-Arms proceeded to summon the absentees.

REPORT OF THE SERGEANT-AT-ARMS.

he Sergeant-at-Arms reports that Senator Maxon is in Mil- kee and will return to-night. Senator Rodolf is at home.

ASA KINNEY, *Sergeant-at-Arms.*

n motion of Senator Burdick,

he report of the Sergeant-at-arms was accepted and the eant was discharged from further duty under the call.

he question occurring on ordering said bill

o. 319, A.,

o a third reading,

he ayes and noes were called for

nd the Senate refused to so order the bill—ayes 10, noes

hose who voted in the affirmative were

enators Burdick, Comstock, Cox, Hanchett, Hutchinson, lips, Seeley, Stewart, Washburn and Worthington—10.

hose who voted in the negative were

enators Bartlett, A. I. Bennett, G. Bennett, Decker, Fer- n, Fratt, Gill, Hilgen, Masters, Simpson, Taylor, Thur- and Virgin—13.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has p
No. 488, A., a bill for an act to change the time f
ing elections in the city of Hudson;

And ask the concurrence of the Senate in the same.

BILLS READY FOR A THIRD READING

The following bills were severally read a third ti
passed:

No. 222, S., a bill for an act relating to the public
of the city of Oshkosh;

No. 224, S., a bill for an act to appropriate to Hugh
bell the sum of $127;

The ayes and noes being required,

The bill was passed—ayes 23, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, B
Comstock, Cox, Decker, Ferguson, Fratt, Gill, Hanche
gen, Hutchinson, Masters, Phillips, Seeley, Simpson, S
Taylor, Thurbur, Virgin, Washburn and Worthington-

None voted in the negative.

No. 206, S., a bill for an act to appropriate to Ja
Flowers the sum of money therein named;

The ayes and noes being required,

The bill was passed—ayes 20, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, B
Comstock, Cox, Decker, Ferguson, Fratt, Gill, Hanche
gen, Hutchinson, Phillips, Simpson, Taylor, Thurbur
Washburn and Worthington—20.

Those who voted in the negative were

Senators Masters and Stewart—2.

Senator Stewart moved to correct the title of said bil

No. 216, S.,

By striking out the words "money therein named,"
sert in lieu thereof "one hundred and seventy-seven d

And the motion prevailed.

The Senate refused to pass bill

No. 209, S., a bill for an act to amend section 106, o
ter 28, of the Revised Statutes, entitled of the school a
university lands."

On motion of Senator Hutchinson,

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The vote by which the Senate refused to pass said bill was considered;

And the bill was referred to the committee on Education, chool and University Lands.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 102, A., a bill for an act to amend sec. 75, of chap. 133, the Revised Statutes, entitled " of costs and fees;"

Was, on motion of Sen. Hutchinson,

Indefinitely postponed.

On motion of Sen. Hutchinson,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On the general file,

Sen. Stewart in the chair.

After some time spent therein, the committee rose, reported gress. and asked leave to sit again ;

Leave was granted.

They further reported back the following bills with the seve- recommendations accompanying the same:

No. 185, S , a bill for an act to authorize the formation of lroad corporations, and to regulate the same.

No. 200, S., a bill for an act to amend chap. 61, of the Rev. tutes, entitled "of the rate of interest;"

Vith amendments, and the recommendation to pass, when so ended.

No. 226, S., a bill for an act to provide for the disposal of interest arising upon the drainage fund income, and to nd chap. 29, of the Revised Statutes, entitled "of swamp overflowed lands;"

Vith the recommendation to pass.

No. 66, S., a bill for an act to amend section 1, of chap. 145, the Revised Statutes, entitled "of actions for the foreclo- e of a mortgage;"

No. 378, A., a bill for au act to appropriate to Henry Sei-, the sum of $125;

No. 44, A., a bill for an act to repeal chap. 210 of the Gen- Laws of 1859, entitled "an act to provide a permanent nship of school library fund."

Vith the recommendation of indefinite postponement.

n motion of Sen. Gill,

enate adjourned.

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TUESDAY, MARCH 13, 9 o'clock, A.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Mason.
Roll called and a quorum present.
The reading of the journal of yesterday was dispensed
Sen. Cox moved a reconsideration of the vote by whi
Senate yesterday passed bill
No. 57, S.,
And the motion prevailed.
On motion of Sen. Worthington,
The bill was committed to Sen. Cox.
Sen. Virgin moved to reconsider the vote by which th
ate yesterday refused to order to a third reading bill
No. 319, A.,
Sen. Simpson moved to lay Sen. Virgin's motion
table.
The ayes and noes were called for,
And the motion was lost—ayes 10, noes 13.
Those who voted in the affirmative were
Senators Decker, Ferguson, Fratt, Gill, Hilgen
Maxon, Simpson, Taylor and Thurbur—10.
Those who voted in the negative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick
stock, Cox, Hanchett, Hutchinson, Seeley, Stewart,
Washburn and Worthington—13.
The question recurring on reconsidering,
The ayes and noes were called for,
And the motion prevailed—ayes 13, noes 10.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick
stock, Cox, Hanchett, Hutchinson, Seeley, Stewart,
Washburn and Worthington—13.
Those who voted in the negative were
Senators Decker, Ferguson, Fratt, Gill, Hilgen, M
Maxon, Simpson, Taylor and Thurbur—10.
Sen. Simpson moved to postpone the further considera
the bill till to-morrow,
And the motion was lost.
Senator Maxon moved to recommit the bill to the F
Committee.

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he ayes and noes were called and
he motion was 'ost—ayes 7, noes 14.
hose wh, voted in the affirmative were
lessrs. Decker, Ferguson, Fratt, Gill, Hilgen, Maxon and
pson—7.
hose who voted in the negative were
essrs. Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-
, Cox, Hanchett, Hutchinson, Phillips, Seeley, Stewart,
in, Washburn and Worthington—14.
enator Simpson moved a call of the Senate, and
he call was ordered.
he roll was called, and
enators Rodolf and Thurber were absent without leave.
he Sergeant-at-arms proceeded to summon the absentees.

REPORT OF THE SERGEANT-AT-ARMS.

he Sergeant-at-arms reports that Senator Thurbur is in his
and Senator Rodolf is not in the city of Madison.

ASA KINNEY, *Sergeant-at-arms.*

enator Hutchinson moved that the report of the Sergeant-
rms be accepted, and the Sergeant-at arms discharged from
her duty under the call.
he ayes and noes were called for, and
he motion was sussained—ayes 15, noes 9.
hose who voted in the affirmative were
enators. Bartlett, A. I. Bennett, G. Bennett, Burdick,
stock, Cox, Hanchett, Hutchinson, Masters, Phillips,
ey, Stewart, Virgin, Washburn, and Worthington—15.
hose who voted in the negative were
enators Decker, Ferguson, Fratt, Gill, Hilgen, Maxon,
pson, Taylor and Thurbur—9.
en. Virgin moved the previous question;
nd the motion was sustained.
he question being, "shall the main question now be put?"
he ayes and noes were called for;
nd the previous question was ordered—ayes 15, noes 9:
hose who voted in the affirmative, were
enators Bartlett, A. I. Bennett, G. Bennett, Burdick,
stock, Cox, Hanchett, Hutchinson, Masters, Phillips, See-
Stewart, Virgin, Washburn and Worthington—15.
hose who voted in the negative, were
enators Decker, Ferguson, Fratt, Gill, Hilgen, Maxon,
pson, Taylor and Thurbur—9.
he question being on ordering the bill to a third reading;
he ayes and noes were called for
nd the bill was so ordered—ayes 14, noes 10:

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Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, B
Comstock, Cox, Hanchett, Hutchinson, Phillips, Seeley,
art, Virgin, Washburn and Worthington—14.

Those who voted in the negative, were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, M
Maxon, Simpson, Taylor and Thurbur—10.

LETTERS, PETITIONS, MEMORIALS, &c.

Presented and referred.

By Sen. G. Bennett:

No. 128, S., memorial of 275 citizens of the county
nosha, for the repeal of chapter 210, of the General L
1859;

To commitee on Education, School and University

BILLS INTRODUCED ON LEAVE,

Read 1st and 2d times, and referred:

By joint committee on State Prison:

No. 279, S., a bill for an act relating to the discipline
victs in the State Prison;

To the committee on Claims.

By joint committee on State Prison:

No. 280, S., a bill for an act to authorize the State
Commissioner to draw money from the State Treasury;

To committee on Claims.

By joint committee on State Prison:

No. 281, S., a bill for an act to authorize the State
Commissioner to exchange or purchase land as therein
fied;

To general file.

By joint committee on State Prison:

No. 282, S., a bill for an act to appropriate the sum of
000, to the State Prison Commissioner;

To committee on Claims.

By joint committee on State Prison:

No. 283, S., a bill for an act to appropriate the sum o
000 to the State Prison Commissioner;

To committee on Claims.

REPORTS OF COMMITTEES.

Report of Joint Committee on State Prison.

As instructed, your Committee visited the State Priso
Waupun, and gave to its general management, condition

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such degree of attention as their limited time permitted; eg leave to submit the following report:

examination of the Commissioner's books and vouchers nced your committee of the correctness of detailed expen- es, as set forth in the Commissioner's last report. The were well kept, and in the main the expenditures seem to been judiciously applied to the furtherance of the objects mplated in the appropriations of last year. It is a sub- f congratulation that so much of the wall, for enclosing ison grounds, is completed; and the propriety of push- rward the work to its earliest practicable completion can- e doubted; as, when finished, the prison force may be ially lessened.

e want of *shop-room* strongly suggests the importance of ng an ample stone shop, during the present year, if suf- t convict force can be reasonably spared, from other occu- ns, for such purpose. It is believed by your committee o further work should be done, at present, with a view to ture building of the north wing of the prison. There no pressing need for such wing, and the opinion of the ittee is unqualified, that true economy for the State will at-vely require the locating of our *main prison* at a more le point than Waupun.

od policy dictates such expenditures only at that point, y be required to render the prison as safe, unexpensive emunerative as its *increased prison capacity* will admit; the view of ultimately providing a more *suitable location* e *future prison wants* of the State. We are, therefore, opinion that the construction of the prison sewer should entered upon.

s deemed a matter of doubt whether as much *team-hire* as wn in the Commissioner's last Report, is absolutely neces- o meet the prison wants in that respect; and it is therefore mended that the State Prison Commissioner be directed rchase one good two-horse team, harness and wagon for the , to be used for prison work exclusively; with the further re- endation that such other or additional team-hire as may judgment of the commissioner, be necessary, the com- oner shall obtain by contract—giving the service to the t bidder: *Provided*, That not more than two dollars and cents per day, shall be allowed for the hire of a team of s, with driver; nor more than one dollar per day for the f an ox team.

s thought appropriate, if not absolutely necessary, that mployees of the prison, board at the prison; and it is fore advised that the commissioner use his best discretion

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as to whether any of such employees be permitted to board elsewhere.

The policy of charging a *gate fee*, of twenty-five cents to each visitor—at the discretion of the commissioner—is deemed sound; and it is recommended that in consideration of such admissions, imposing additional labor and responsibility upon the commissioner, he be permitted to appropriate the fee, in compensation for the extra service.

Not unfrequently, convicts have small sums of money, or other valuables, when receive at the prison, which they may desire to bestow upon their families or friends. This cannot now be done without a permit from the judge of Dodge county. No good reason has been heared why this condition should obtain, and your committee believe the discretion of the commissioner would meet this case as well, and more directly—requiring the receipt of the recipient, as the commissioner's voucher.

As—(see Commissioner's last report)—something more than twelve hundred dollars will be due from the General Government, for keeping United States prisoners, for the year 1860, it is thought advisable that such legislative action be had as will enable the Commissioner to command the use of such money, as soon as paid to the State; either by his receiving it directly, or by his drawing it from the Treasury, upon the auditing of his order by the Secretary of State.

In the judgment of your committee, the law should be so amended as to leave the *solitary confinement* of prisoners, mainly to the discretion of the Commissioner and his deputy. It can subserve no good purpose, other than as a correction of bad conduct in the prisoner; and therefore such conduct should indicate the measure of it, as it affords the necessity.

In this connection it seems appropriate to direct your attention to the recommendation of Commissioner McGraw, regarding the good conduct of prisoners making a reduction of their term of sentence. It is believed that the practical adoption of such a measure would prove most salutary, as thereby a powerful motive would be afforded to the convicts, continually stimulating to good conduct.

The attention of the Legislature is again called to the fact, that the south line of the prison ground is but a few feet from the south end of the prison wing. In the judgment of your committee, the State Prison commissioners should be clothed with the discretion of exchanging grounds owned by the State, north of the prison, for an equivalent portion of land adjoining the south line of the prison grounds, or to purchase a sufficient portion of land to obviate the difficulty herein suggested.

It will be seen by commissioners last report, that there is an

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indebtedness against the prison of $2,028 65, which should be kept in view in making appropriations for the present year.—From the fullest investigation of the needs of the prison, which your committee have been able to make, it is thought that an appropriation of $30,000 will be necessary to pay indebtedness and meet the various expenses of the prison for the current year, exclusive of the money paid by, and to be due from the general government for the year 1860. To meet the various recommendations of this report, bills are herewith introduced and their passage recommended.

All of which is respectfully submitted.

By order of commitee,

O. F. BARTLETT,
M. W. SEELEY,
ALBERT ALDEN.

The select committee to whom was referred

No. 57, S.,

Report the same back with amendment, and recommend its passage when so amended.

COX.

The committee on Education, School and University Lands, to whom was referred

No. 253, S., a bill for an act to authorize the school land commissioners to remit certain penalties;

Report the same back with an amendment, and recommend the passage thereof as amended.

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred

No. 209, S., a bill for an act to amend sec. 106, of chap. 28, of the Revised Statutes, entitled "of school and university lands;"

Have had the same under consideration, and report the same back with the recommendation that it pass.

HUTCHINSON, *Ch'n.*

The committee on Finance, to whom was referred a memorial of the board of trustees of the University of Wisconsin,

Report the same back, and recommend that it be referred to the committee on Education, School and University Lands.

A. I. BENNETT, *Ch'n.*

The said memorial was referred to the committee on Education, School and University Lands.

The committee on Incorporations to whom was referred,

No. 289, A., a bill for an act entitled an act to amend chap. 97, of the private and local laws of 1859, entitled "an act to amend chap. 93, of the private and local laws of 1858, entitled

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an act to consolidate and amend the act t incorporate the city of Portage, and the several acts amendatory thereto;"

Have had the same under consideration and instructed me to report the same back to the Senate and recommend its passage. SEELEY, *Ch'n.*

On motion of Senator Seeley,

No. 203, S., a bill for an act to define the boundaries of the Third and Ninth Judicial Circuit of this State;

Was taken from the general file, and

Recommitted to the Judiciary committee.

On motion of Senator Decker,

No. 183, A., a bill for an act relating to the estate of F. I. VanderBrock;

Was taken from the general file, and

Recommitted to the Judiciary committee.

On motion of Senator Hutchinson,

All rules were suspended in order to put upon their passage the following bills:

No. 416, A., a bill for an act to amend an act entitled "an act to incorporate the city of La Crosse, and the several acts amendator thereto," approved March 14th, 1856;

No. 488, A., a bill for an act to change the time for holding election in the city of Hudson;

No. 57, S., a bill for an act to authorize the city of Hudson to issue bonds;

With an amendment.

Said bill,

No. 416, A.,

Was read the first, second and third times,

And the passage concurred in.

Said bill,

No. 488, A.,

Was read the first, second and third times,

And the passage concurred in.

The question then occurring on the adoption of the amendment; to the said bill,

No. 57, S.,

It was adopted.

The bill was then ordered to a third reading,

Read and passed.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

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o. 60, S., a bill for an act to authorize the Citizen's Bank shkosh to remove to Black River Falls, Jackson county;

o. 76, S., a bill for an act to amend an act approved March 1859, entitled "an act to amend an act to incorporate the ge of Horicon," approved March 29, 1855;

o. 81, S., a bill for an act to amend an act entitled "an o incorporate the Yellow River improvement company," oved March 2, 1857;

o. 105, S., a bill for an act to amend chapter 52, of the ral Laws of 1859, entitled "an act relative to the Dane y court;"

. 142, S., a bill for an act to amend section 1, of chapter of the General Laws of 1859, entitled "an act to enlarge civil jurisdiction of the county court of La Crosse ty;"

ith amendment, and concurred in as amended.

o. 181, S., a bill for an act to amend chapter 22, of the sed Statutes, entitled "of academies and normal schools;"

o. 257, S., a bill for an act to authorize the holding of a al term of the circuit court in and for the county of Jeffer-

am further directed to inform you that the Assembly has ed

o. 11, A., a bill for an act to legalize the sale of lands for id taxes in Douglas county;

o. 32, A., a bill for an act to change the name of Archy tt, and to constitute him an adopted son of William and Collins;

o. 128, A., a bill for an act to repeal chapter 124, of the ral Laws of 1858, entitled "an act conferring jurisdiction e county court of Columbia county;

. 280, A., a bill for an act to legalize the assessment of in the county of La Point, and to extend the time of pay- thereof;

o. 315, A., a bill for an act to amend section 3, of chapter of Revised Statutes, entitled "of prisons generally and "

o. 348, A., a bill for an act to provide for the proper bur- f the dead.

o. 359, A., a bill for an act to amend sec. 9, chap. 2, of an ntitled "an act to incorporate the city of Fond du Lac," oved March 19, 1852.

o. 360, A., a bill for an act to amend an act to consolidate everal school districts in the city of Fond du Lac, approv- eb. 24, 1859.

o. 388, A., a bill for an act to provide for the disposal and nditure of the drainage fund money in Brown county.

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No. 406, A., a bill for an act to incorporate the Delavan Academy.

No. 408, A., a bill for an act to change the name of Lander, in the county of Grant, to the name of Tafton.

No. 416, A., a bill for an act to amend an act entitled "an act to incorporate the city of La Crosse, and the several acts amendatory thereto," approved March 14, 1856.

No. 432, A., a bill for an act to appropriate to Milo Coles, the sum of $50 98:

No. 433, A., a bill for an act to appropriate to G. D. Norris the sum of $122 45;

No. 437, A., a bill for an act to amend an act entitled an act to authorize the laying out of a State road from the town of Howard, Brown County, to the Menomonee River;

No. 466, A., a bill for an act to reduce the capital stock of the Oshkosh Commercial Bank;

Also, has adopted

J. Res. No. 28, A., relative to Plank and Rail road taxation;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature

No. 116, S., a bill for an act to authorize the Secretary of State to audit the annual appropriation to County Agricultural Societies;

No. 125, S., a bill for an act to amend an act, entitled "an act to incorporate the city of Prescott;"

No. 130, S., a bill for an act to amend an act, entitled "an act to incorporate the LaCrosse Hydraulic Company;"

No. 169, S., a bill for an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," also chapter 502, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," approved Oct. 11, 1856, also chapter 138, of the Private and Local Laws of 1858, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad;"

No. 175, S., a bill for an act relating to the State tax of the county of Door;

No. 194, S., a bill for an act to incorporate the First Universalist Church of Monroe;

No. 243, S., a bill for an act to authorize the commissioners of school and university lands to remit penalties in certain cases, and to change the time for the annual distribution of the school fund income;

Which have been signed by the Speaker.

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ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred:
No. 408, A.;
To Town and County Organization.
No. 388, A.;
To committee on Internal Improvement.
No. 11, A.;
To committee on Finance.
No. 433 and 432, A.;
To General file.
No. 348 and 315, A.;
To committee on Benevolent Institutions.
No. 360, A.;
To committee on Education, School and University Lands.
No. 32, 280, 128, and 183, A.;
To Judiciary committee.
No. 437, A.;
To committee on Roads, Bridges and Ferries.
No. 359 and 406, A.;
To committee on Incorporations.
No. 466, A.;
To committee on Banks and Banking.
Jt. Res. No 28, A.;
Was adopted.

BILLS ON THEIR THIRD READING.

No. 319, A., a bill for an act authorizing the superintendent of public property to purchase the Governor's Message in foreign langnages, and for an appropriation of money for the payment therefor;

Was read a third time.

On the passage of the bill,

The ayes ayes and noes were called for, and

The passage concurred in—ayes 14, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Hanchett, Hutchinson, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—14.

Those who voted in the negative, were

Senators Decker, Fratt, Gill, Hilgen, Masters, Maxon, Taylor and Thurbur—8.

REPORT OF THE COMMITTEE OF THE WHOLE,

Considered.

No. 44, A., a bill for an act to repeal chap. 210, of the Gen.

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Laws of 1859, entitled "an act to provide a permanent
ship school library fund;

Sen. Washburn moved to amend by striking out all aft
enacting clause and inserting:

Sec. 1. Section 3, of chapter 210, of the General La
1859, entitled "an act to provide a permanent township
library fund is hereby repealed.

Sec. 2. This act shall take effect and be in force fro
after its passage.

And the motion was lost.

The question occurring on the recommendation of th
mittee to indefinitely postpone the bill;

The ayes and noes were called for;

And the Senate refused so to postpone—ayes 10, noes

Those who voted in the affirmative, were

Senators Bartlett, Comstock, Cox, Hutchinson, M
Phillips, Stewart, Taylor, Washburn and Worthington—

Those who voted in the negative, were

Senators A. I. Bennett, G. Bennett, Burdick, Decke
guson, Fratt, Gill, Hilgen, Maxon, Seeley, Thurbur an
gin—12.

Sen. Comstock moved to amend the bill by "striking
section 1, the words 'section 76, of chapter 23, of the R
Statutes, is hereby revived and reinstated;'"

And the motion was lost.

The question occurring on ordering the bill to a thir
ing;

The ayes and noes were called for, and

The bill was ordered to a third reading—ayes 12, noes

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Decke
guson, Fratt, Gill, Hilgen, Maxon, Seeley, Thurbur an
gin—12.

Those who voted in the negative were

Senators Bartlett, Comstock, Cox, Hutchinson, M
Phillips, Stewart, Taylor, Washburn and Worthington—

No. 66, S., a bill for an act to amend section 1, of c
145, of the Revised Statutes, entitled "of actions for th
closure of a mortgage;"

No. 378, A., a bill for an act to appropriate to Hen
fert the sum of $125;

No. 115, A., a bill for an act to legalize certain proce
of county courts and courts of probate;

No. 54, S., a bill for an act to amend chapter 167,
General Laws of 1859, entitled an act to amend chapter
the Revised Statutes, entitled of the assessment and col
of taxes;

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ere indefinitely postponed.
o. 200, S., a bill for an act to amend chap. 61, of the Re-
l Statutes, entitled "of the rate of interest;"
ith an amendment.
he amendment was adopted.
he question occurring on ordering to a third reading the
s amended ;
e ayes and noes were called for, and
e bill was so ordered—ayes 18, noes 5.
ose who voted in the affirmative were
nators Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-
, Cox, Ferguson, Fratt, Hilgen, Hutchinson, Masters,
on, Phillips, Seeley, Stewart, Virgin, Washburn and Wor-
ton—18.
ose who voted in the negative were
enators Decker, Gill, Simpson, Taylor and Thurbur—5.
o. 23, S., a bill for an act concerning judgments in certain
;
ith an amendment.
e amendment was adopted, and the bill as amended was
red engrossed for a third reading.
o. 179, S., a bill for an act to reduce the capital stock of
Clark County Bank ;
o. 226, S., a bill for an act to provide for the disposal of
interest arising upon the drainage fund income, and to
d chap. 29, of the Revised Statutes, entitled " of swamp
overflowed lands ;"
ere ordered engrossed for a third reading.
o. 251, A., a bill for an act to apppropriate to Thomas B.
y, the sum of $87 68 ;
as ordered to a third reading.
n. Ferguson moved that the Senate do now adjourn ;
nd the motion was lost.
n. Gill moved a call of the Senate,
nd the call was sustained.
e roll was called, and
enators Ferguson and Hanchett, were absent without leave.
n motion of Sen. Virgin,
enate adjourned till half-past seven o'clock, this evening.

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7 1-2 o'clock, I

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred

By Sen. Hanchett:
No. 284, S., a bill for an act to grant a certain islan
Wisconsin river, to Orestes Garrison and H. W. Jack
To committee on Public Lands.

By committee on Benevolent Institutions:
No. 285, S., a bill for an act to appropriate to the
tion for the education of the blind the sum of money
named;
To committee on Claims.

By committee on Benevolent Institutions:
No. 286, S., a bill for an act to appropriate to the
tion for the education of the deaf and dumb of the
Wisconsin, the sums of money therein named;
To committee on Claims.

By committee on State Affairs:
No. 287, S., a bill for an act to remit to the county c
age, certain indebtedness to the State;
To general file.

REPORTS OF COMMITTEES.

The committee on Benevolent Institutions, to whom
ferred so much of the Governor's message as relates
lent institutions, report two several bills, making ap
tions respectively for the Institutions of the Deaf an
and the Blind.

Your committee have not felt it to be their duty to
mend as large appropriations as those institutions h
erally asked; believing that while the people are sufferi
the embarrassments which are at this time pressing upo
more should not be asked than will be sufficient to kee
institutions in running order, without any outlay for
improvement.

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And your committee have every reason to believe that, if e same economy is practiced in managing the affairs of the stitutions referred to, as those who pay the taxes are comlled to practice in their own families, the sums appropriated ll be amply sufficient. This economy we have a right to deand.

We take pleasure in stating that the Institute for the Blind s kept within their appropriations, and have consequently ntracted no unauthorized indebtedness for the State. This well.

Would that we were able to say as much for some of the ner institutions of the State.

The institute for the deaf and dumb has contracted indebtness against the State to the amount of about $7,000, witht authority of law. For the payment of this indebtedness, e committee not recommended any appropriation; leaving it the Senate to determine its course of action, in that particar.

All of which is respectfully submitted.

A. I. BENNETT, *Ch'n.*

The committee on State Affairs to whom was referred the Memorial of the board of supervisors of Portage county, lative to the indebtedness of said county to the State;

Have had the same under consideration and report the same ck with a bill, the passage of which is recommended.

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Lands, whom was referred

No. 360, A., a bill for an act to amend an act to consolidate e several school districts in the city of Fond du Lac, approv. February 24, 1859;

Report the same back, and recommend passage.

Also,

No. 272, S., a bill for an act to yrovide for the holding of e annual school meeting in school district No. 4, of the town f East Troy;

And recommend passage.

HUTCHINSON, *Ch'n.*

The committee on Finance report back

No. 357, A.,

Relative to the sale of lands in the county of Chippewa, ith one amendment, and when so amended recommend its ssage.

A. I. BENNETT, *Ch'n.*

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The committee on Benevolent Institutions, to whom was referred

No. 348, A., in relation to burying the dead;

Report the same back, and benevolently recommend its indefinite postponement.

A. I. BENNETT, *Ch'n.*

The committee on Benevolent Institutions, to whom was referred bill

No. 315, A., a bill for an act to amend section 3, of chapter 190, of the Revised Statutes, entitled "of prisons generally and common jails;"

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 13th inst., they presented to the Governor for his approval the following bills:

No. 243, S., for an act to authorize the commissioners of school and university lands, to remit penalties in certain cases, and to change the time for the annual distribution of the school fund income;

No. 194, S., for an act to incorporate the First Universalist Church of Monroe;

No. 175, S., for an act relating to the state tax of the county of Door;

No. 169, S., for an act to repeal chapter 132, of the private and local laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad; also chap. 502, of the private and local laws of 1856, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," approved Oct. 11, 1856; also, chapter 138, of the private and local laws of 1858, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad;"

No. 136, S., for an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Company;

No. 125, S., for an act to amend an act entitled "an act to incorporate the city of Prescott;"

No. 116, S., for an act to authorize the Secretary of State to audit the annual appropriation to county agricultural societies.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The committee on Enrolled Bills, report that they have examined the following bills and find them correctly enrolled, viz:

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No. 221, S., a bill for an act to entend the time for the collection of taxes in the county of Marathon;

No. 117, S., a bill for an act to provide for the removal of the county seat of Buffalo county;

No. 114, S., a bill for an act to provide for the purchase of certain copies of Websters's dictionary for the supply of deficient school districts of the State.

GEO. BENNETT, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Oconto and Kewaunee counties;

Have had said bill under consideration, and herewith report the same back, with the recommendation that it pass.

Said committee have also had under consideration

No. 255, S., a bill for an act to provide for an Independent Treasury;

And

No. 269, S., a bill for an act to provide for the issuing a patent of certain lands to Michael Gleiter;

And report said bills back with amendments, recommending their passage when so amended.

Said committee have also had under consideration the following bills:

No. 100, S., a bill for an act to provide for the proper indexing of the laws;

No. 159, S., a bill for an act to repeal chapter 148, General Laws of 1858, entitled "an act to exempt sixty days earnings to mechanics and laborers;"

And

No. 241, S., a bill for an act to protect mortgagees and innocent purchasers of school lands;

And report said bill back with the recommendation that the further consideration thereof be indefinitely postponed.

Said committee have also had under consideration

No. 128, A., a bill for an act to repeal chapter 124, of the General Laws of 1858, entitled "an act conferring jurisdiction on the county court of Columbia county;"

And

No. 52, A., a bill for an act to change the name of Archy Arnett, and to constitute him an adopted son of William and Mary Collins;

And report said bills back, without recommendation.

Also

No. 204, S., a bill for an act to create the 11th judicial circuit;

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Which is herewith reported back, with an amendment and without recommendation.

HANCHETT.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,
MADISON, March 9, 1860.

To the Senate:

The following entitled bills originating in the Senate, have received the Executive approval, and have been deposited in the office of the Secretrry of State:

No. 137, an act to authorize the commissioners of school and university lands to assign a certain mortgage;

No. 48, an act to amend an act entitled "an act to prevent the sale of unripe cranberries," approved March 17, 1859;

No. 88, an act to authorize the issuing of patents to deceased persons in certain cases;

No. 189, an act to extend the time for the collection of taxes in the town of Union, in the county of Rock;

No. 107, an act to amend section 1, of chapter 166, of the Revised Statutes, entitled "of forgery and counterfeiting;"

No. 121, an act to authorize the Lumberman's Bank to reduce its capital stock;

No. 122, an act to authorize the Bank of Moneko to reduce its capital stock;

No. 118, an act to authorize the Bank of Columbus to reduce its capital stock;

No. 126, an act to authorize the Northern Bank to reduce its capital stock;

No. 14, an act to prescribe the duties of the Secretary of State in certain cases, and to repeal chapter 155, of the General Laws of 1858, entitled "an act providing for the appointment of a comptroller, and prescribing his duties;

No. 17, an act to repeal chapter 201, of the General Laws of 1859, entitled "an act to remit certain penalties imposed by section 59, of chapter 26, of the Revised Statutes, entitled 'of school and university lands;'"

No. 87, an act to legalize the proceedings of the district board of school district No. 5, of the town of Platteville, Grant county;

No. 89, an act for the relief of Nathan B. Langdon and others;

No. 148, an act to amend sec. 1, of chap. 51, of the Private and Local Laws of 1858, entitled "an act to authorize school district No. 5, in the town of Platteville, Grant county, to borrow money;"

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No. 156, an act to amend sections 8 and 16, of chap. 340, of Private and Local Laws of 1856, entitled "an act to incorporate the Arena & Dubuque Railroad Co.;

No. 166, an act to amend sec. 52, of chap. 28, of the Revised Statutes, entitled "of the school and university lands."

ALEX. W. RANDALL.

BILLS READY FOR A THIRD READING.

No. 179, S., a bill for an act to reduce the capital stock of the Clark county Bank;

Was read a third time and passed.

BILLS ON THEIR THIRD READING.

No. 44, A., a bill for an act to repeal chap. 210, of the Gen. Laws of 1859, entitled "an act to provide a permanent township school library fund;"

Sen. Worthington moved to lay on the table said bill

No. 44, A.,

And the motion prevailed.

No. 251, A., a bill for an act to appropriate to Thomas B. Lacy, the sum of $87,68;

The ayes and noes being required,

The bill was passed—ayes 23, noes 0.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Taylor, Thurbur and Worthington—23.

None voted in the negative.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to present to you for signature

No. 138, A., an act to restore William Green for citizenship;

No. 219, A., an act to annex certain territory to Geneva School District No. 1;

No. 261, A., an act to amend chapter 127, of the General Laws of 1859, entitled "an act to require the circuit judge of the third judicial circuit to hold special terms of the circuit court;"

No. 264, A., an act to amend an act entitled "an act to incorporate the village of Geneva;

No. 229, A., an act to incorporate the village of Fort Atkinson;

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No. 416, A., an act to amend an act entitled "an act to incorporate the city of LaCrosse" and the several acts amendatory thereto, approved March 14th, 1856;

Which have been signed by the Speaker.

I am directed to inform you that the Assembly has concurred in the passage of

M. C. No. 3, S., memorial to Congress for a mail route from the city of Hudson, in St. Croix county, via. St. Joseph, Apple River Bridge, Celon, Erin Prairie, Boardman, Hammond, to Warren;

M. C. No. 4, S., memorial to the post office department, relative to increase of service on mail route 13,069;

No. 113, S., a bill for an act to authorize the Secretary of State to credit certain moneys to the county of Green Lake;

No. 128, S., a bill for an act to define the boundary line between the counties of Green Lake and Marquette;

No. 135, S., a bill for an act to amend the charter of Kenosha, Rockford and Rock Island railroad company;

No. 196, S., a bill for an act to appropriate to A. J. Langworthy the sum of $833;

No. 206, S., a bill for an act to authorize the Bank of Watertown to reduce its capital stock;

No. 207, S., a bill for an act to appropriate to L. P. Harvey the sum of $146 75;

No. 276, S., a bill for an act to amend the several acts relating to the charter of the city of Watertown.

Also that the Assembly refuses to concur in the passage of

No. 149, S., a bill for an act to amend chapter 35, of the Revised Statutes, entitled "of excise."

I am further directed to inform you that the Assembly has passed

No. 443, A., a bill for an act to incorporate the Mequon farmers mutual insurance company.

And asks the concurrence of the Senate in the same.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 185, S., a bill for an act to authorize the formation of railroad corporations, and to regulate the same;

With amendments.

The amendments were adopted;

And the bill as amended was ordered engrossed for a third reading.

On motion of Sen. Hutchinson,

The Senate resolved itself into

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COMMITTEE OF THE WHOLE.

Sen. Worthington in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 211, A., a bill for an act authorizing the county of Brown to aid in the construction of the Green Bay and Madison Railroad;

No. 290, A., a bill for an act to appropriate to Hitchcock & Co. the sum of $1,242 25;

No. 183, S., a bill for an act to promote the construction of horse railways in the city of La Crosse;

With the recommendation that they do pass.

No. 343, A., a bill for an act to provide for laying out a State road from Shawano to the State line;

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

With amendments;

And the recommendation to pass when so amended.

No. 97, S., a bill for an act to provide for the punishment of certain offences therein named;

No. 165, S., a bill for an act relating to indictments;

No. 282, A., a bill for an act to amend chapter 409, of the Private Laws of Wisconsin for the year 1856, entitled "an act to incorporate the Ripon and Wolf River Railroad;"

No. 115, S., a bill for an act to provide for carrying into effect chapter 210, of the General Laws of 1859, relataive to town school libraries;

With the recommendation that it lay on the table;

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road Company;

Without recommendation.

REPORT CONSIDERED.

The amendment to bills
Nos. 76 and 343, A.,
Were adopted;
And the bills, as amended, were ordered to a third reading.
No. 211, A.,
Was ordered to a third reading.
No. 183, S.,
Was ordered engrossed for a third reading.
On the question of ordering to a third reading bill

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No. 290, A.,

The ayes and noes were called for,

And the Senate refused to so order the bill—ayes 12, noes 12.

Those who voted in the affirmative were

Senators Comstock, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss. Maxon, Phillips, Simpson, Taylor and Thurbur—12.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Washburn, and Worthington—12.

Nos. 282, A., and 97 and 165, S.,

Were indefinitely postponed.

Nos. 115 and 192, S.,

Were recommitted to the general file.

Senator Hutchinson moved that the Senate do now adjourn;

And the motion was lost.

BILLS INTRODUCED ON LEAVE.

Read first and second times and referred.

By Senator Taylor:

No. 188, S., a bill for an act to perfect the laying out of a State road from Howard City, in Dane county, to the village of Waterloo, in Jefferson county;

On motion of Senator Taylor, all rules were suspended in order to put said bill on its passage.

The bill was then ordered to a third reading,

Read and passed.

By Senator Stewart:

No. 489, S., a bill for an act to provide for re-imbursement of certain monies to the general fund from the swamp land fund;

To committee on Finance.

Senator Taylor moved to suspend all rules in order to put upon its passage bill

No. 410, A., and

The motion was lost.

Senator Masters moved that the Senate do now adjourn, and

The motion was lost.

Senator Gill moved a call of the Senate and

The call was sustained.

The roll was called and

All the Senators were present, except such as were absent on leave.

On motion of Senator A. I. Bennett,

The Senate adjourned.

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WEDNESDAY, MARCH 14, 9 o'clock, A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Mason.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

LETTERS, PETITIONS AND MEMORIALS, &c.,

Presented and referred.

By Senator G. Bennett:
No. 129, S., memorial of Medora H. Lovell and 130 other ladies of Kenosha, for a law exempting sewing machines from levy and sale on execution;
To committee on Benevolent Institutions.

By Senator Washburn:
No. 130, S., memorial of F. C. Welch, and others, praying that certain lands may be set off from the city of Oshkosh;
To committee on Town and County Organization.

By Senator A. I. Bennett:
No. 131, S., memorial of H. W. Smith, and sundry other citizens of Rock county, for change in school law, so as to require all school officers to be elected by ballot;
To general file.

By Senator Curtis:
No. 132, S., remonstrance of J. A. Kellogg, and 24 others, against detaching Juneau county from the Seventh Judicial Circuit;
To Judiciary committee.

By Senator Curtis:
No. 133, S., remonstrance of Lewis Benjamin and 29 others against any change in the Seventh Judicial Circuit;
To Judiciary committee.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred.

By Senator G. Bennett:
No. 290, S., a bill for an act to amend chapter 134, of the

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Revised Statutes, entitled "of executions, and proceedings supplementary thereto;

To general file.

By Sen. A. I. Bennett:

No. 291, S., a bill for an act to amend chapter 23, of the Rev. Statutes entitled "of common schools;"

To general file.

ACCOUNTS

Presented and referred to the committee on Claims.

By Sen. Worthington:

No. 37, S., account of Rufus Parks, for envelopes.

By Sen. Virgin:

No. 38, S., account of A. L. Burke, for reward of $300.

REPORTS OF COMMITTEES.

The committee on Town and County Organization, to whom was referred, bill

No. 268, S., a bill for an act to amend an act entitled an act to amend an act to consolidate and amend the act to incorporate the city of Kenosha;

Have had the same under consideration, and instructed me to report the same back to the Senate and recommend its passage.

Also,

No. 245, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled of counties and county officers;

Report the bill back to the Senate and recommend that it be referred to the Judiciary committee.

N. H. VIRGIN, *Ch'n.*

Said bill,

No. 245, S.,

Was referred to Judiciary committee.

The committee on Claims, to whom was referred bills

No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin reports;

No. 280, S., a bill for an act to authorize the State Prison Commissioner to draw money from the State Treasury;

Have had the same under consideration, and have instructed me to report them back, with the recommendation that they do pass.

Z. P. BURDICK, *Ch'n.*

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The committee on Internal Improvements, to whom was referred bill

No. 388, A., a bill for an act to provide for the disposal and expenditure of the drainage fund money in Brown county;

Report the same back without amendments, and recommend its passage.

D. WORTHINGTON, *Ch'n.*

On motion of Senator G. Bennett,

All rules were suspended in order to put upon their passage the following bills:

No. 268, S., a bill for an act to amend an act entitled "an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;

No. 253, S., a bill for an act to authorise the school land commissioners to remit certain penalties;

With an amendment.

No. 410, A., a bill for an act to appropriate to Seth M. Van Bergen the sum of $765 80;

No. 357, A., a bill for an act to provide for the sale of lands returned to the county treasurer of the county of Chippewa for the non-payment of taxes for the year 1857;

With an amendment.

No. 238, S., a bill for an act to authorize the German Evangelical Lutheran Society of the village of Manitowoc to reorganize, and to change their corporate name, and to legalize the acts of said society.

No. 268, S.,

Was then ordered to a third reading, read and passed.

No. 253, S.,

The amendment was adopted,

And the bill as amended was ordered to a third reading, and read.

The ayes and noes being required,

The bill was passed—ayes 23, noes 1.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—23.

Senator Simpson voted in the negative.

No. 410, A., was ordered to a third reading, and read.

The ayes and noes being required on the passage of the bill, it was passed—ayes 21, noes 3.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox,

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Curtis, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—21.

Those who voted in the negative were

Senators Fratt, Simpson and Stewart—3.

The amendment to

No. 357, A.,

Was adopted, and

The bill as amended was ordered to a third reading, read and passed.

No. 238, S.,

Was ordered to a third reading, read and passed.

MESSAGE FROM THE ASSEMBLY

Considered.

Bills read first and second times and referred:

No. 443, A., a bill for an act to incorporate the Mequon Farmers' Mutual Insurance Company;

To committee on Incorporations.

BILLS READY FOR A THIRD READING.

The following bill was read a third time and passed:

No. 183, S., a bill for an act to promote the construction of horse railways in the city of La Crosse.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and the passage concurrrd in:

No. 211, A., a bill for an act authorizing the county of Brown to aid in the construction of the Green Bay and Madison railroad;

No. 343, A., a bill for an act to provide for laying out a State road from Shawano to the State line;

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

Sen. Maxon moved to reconsider the vote by which the Senate yesterday refused to order to a third reading bill

No. 290, A., a bill for an act to appropriate to Hitchcock & Co. the sum of $1,142 25;

Sen. Hutchinson moved to lay the motion on the table;

The ayes and noes were called for;

And the motion prevailed—ayes 14, noes 18.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox,

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Curtis Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Comstock, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Simpson, Sweat, Taylor and Thurbur—13.

On motion of Sen. Virgin,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On the general file,

Sen. Gill in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same;

No. 185, A., a bill for an act to vacate block number seven, in Cross & Ludington's addition to Milwaukee;

No. 174, A., a bill for an act to repeal section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

No. 171, A., a bill for an act to vacate block 20, of Vliets' addition to the city of Milwaukee;

No. 210, S., a bill for an act relating to the estate of Dennis Burell, deceased;

No. 191, S., a bill for an act to amend chapter 66, of the Revised Statutes, entitled "of religious societies," and to legalize the acts of Registers of Deeds in certain cases;

No. 133, S., a bill for an act to amend chapter 64, of the General Laws of 1858;

With the recommendation of indefinite postponemet.

No. 192, S., a bill for an act to incorporate the Mississippi Bottom, Plank Road and Ferry Company.

No. 232, S., a bill for an act to amend section 2, of chapter 140, Revised Statutes, entitled "of miscellaneous proceedings in civil actions, and general provisions;"

No. 197, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;"

No. 167, S., a bill for an act concerning bills of exchange and promissory notes;

With passage recommended.

No. 115, S., a bill for an act to provide for carrying into

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effect chapter 210 of the General Laws of 1859, relative to town school libraries;

With recommendation to lie on the table.

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney, the sum of $100;

No. 188, S., a bill for an act concerning the transcribing of records;

No. 199, S., a bill for an act to amend chapter 151 of the Revised Statutes, entitled "of forcible entry and unlawful detainer;"

No. 214, S., a bill for an act to amend section 95, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

No. 228, S., a bill for an act to amend section 12, of chapter 111, of the Revised Statutes, entitled "of divorce;"

With amendments,

And the recommendation to pass when so amended.

No. 238, A., a bill for an act relative to the support of the poor in counties where the distinction between county and town poor exists;

With the recommendation of commitment to the committee on Benevolent Institution;

With instructions to report as early as Friday next.

On motion of Senator Stewart,

All rules were suspended in order to put upon its passage, bill

No. 289, S., a bill for an act to provide for reimbursement of certain moneys to the general fund from the swamp land fund;

The bill was then ordered to a third reading;

Read and passed.

On motion of Senator Stewart,

All rules were suspended in order to put upon its passage, bill

No. 200, S., a bill for an act to amend chapter 160, of the General Laws of 1859, entitled "an act to prescribe and limit the rate of interest;"

The bill was then ordered to a third reading, and read.

On the passage of the bill the ayes and noes were called for,

And the bill was passed—ayes 19, noes 5.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Ferguson, Fratt, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Phillips, Seeley, Stewart, Thurbur and Worthington—19.

Those who voted in the negative were

Senators Decker, Gill, Simpson, Sweat and Taylor--5.

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REPORTS OF COMMITTEES.

The committee on Engrossed Bill, have examined and com-
ared
No. 200, S., a bill for an act to amend chapter 160, of the
eneral Laws of 1859, entitled "an act to prescribe and limit
e rate of interest;"
And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Finance, to whom was referred bill
No. 289, S., in relation to reimbursing moneys due the gen-
al fund from the swamp land fund;
Report the same back with amendment, and recommend its
ssage.

A. I. BENNETT.

REPORT OF COMMITTEE OF THE WHOLE,

onsidered.
The amendments to said bills
Nos. 228, 214, 199, 188, and 132 S.,
Were all adopted, and
The bills, as amended, were severally ordered engrossed for
third reading.
Said bills
Nos. 192, 232, 197, and 167, S.,
Were ordered engrossed for a third reading.
No. 238, A.,
Was referred to the committee on Benevolent Institutions,
With instructions to report as early as Friday next.
The question occurring on laying on the table bill
No. 115, S.,
The ayes and noes were called for, and
The Senate refused to lay on the table—ayes 12, noes 14.
Those who voted in the affirmative were
Senators A. I. Bennett, G. Bennett, Burdick, Decker, Fratt,
ill, Hotchkiss, Maxon, Seeley, Sweat, Thurbur and Virgin
-12.
Those who voted in the negative were
Senators Bartlett, Comstock, Cox, Curtis, Ferguson, Han-
ett, Hilgen, Hutchinson, Masters, Phillips, Simpson, Stew-
t, Washburn and Worthington—14.
The question then occurring on ordering the bill to a third
ading,
Senator Washburn moved to amend the bill by adding to sec-
on 3 the following:

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"And, *Provided further*, that, upon the application of the town library board, of any town or city of the State, the said Commissioners shall appropriate per cent. of the library fund belonging to such town or city, to the purchase of books printed in such of the foreign languages as may be designated by such town library board."

Senator Maxon moved to amend the amendment, by the following, as a substitute:

"Add to section 3 the following—It shall be the duty of the School Library Commissioners to select and purchase suitable books printed in foreign languages and cause such books to be distributed in the several towns and cities as are settled in whole or in part by a foreign population; *Provided*, that not more than twenty nor less than ten per cent. of the school library fund shall be expended for the payment of such books;"

Pending which

On motion of Senator Hotchkiss,

The Senate adjourned till half past seven o'clock this evening.

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7 1-12 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and a quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred:

By Sen. Ferguson:

No. 292, S., a bill for an act to prevent the marriage of persons of different color;

To committee on Internal Improvements.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred:

By Sen. Stewart:

M. C. No. 6, S., memorial to Postmaster General for a reinstatement of service on route 13,031;

Read first and second times and referred to committee on Federal Relations.

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ACCOUNTS,

Presented and referred.

By Sen. Seeley:
No. 39, S., account of Wm. Nelson, $200;
To committee on Claims.

By Sen. Seeley:
No. 40, S., account of O. N. Akin, $200;
To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Hilgen:
Res. No. 77, S.,
Resoled, That after to-day, the afternoon session of the Senate shall commence at 4 o'clock, P. M., and that evening sessions be dispensed with until otherwise ordered;
Adopted.

REPORTS OF COMMITTEES.

The committee on Banks and Banking, report back
No. 263, A., a bill for an act to reduce the capital stock of the Walworth County Bank;
And
No. 363, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital stock;
And recommend their passage.

D. WORTHINGTON, *Ch'n.*

The committee on Finance, to whom was referred
No. 271, S., a bill for an act to amend chapter 18, of the Revised Statutes, in relation to the assessment and collection of taxes;
Report the same back, and recommend its passage.

J. W. STEWART.

The committee on Engrossed Bills have examined and compared the following bills, and find the same correctly engrossed:
No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the Drainage Fund Income, and to amend chapter 29, of the Revised Statutes, entitled of swamp and overflowed lands;
No. 23, S., a bill for an act concerning judgments in certain cases;

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No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $250;

No. 188, S., a bill for an act concerning the transcribing of records;

No. 199, S., a bill for an act to amend chapter 151, of the Revised Statutes, entitled "of forcible entry and unlawful detainer;"

No. 228, S., a bill for an act to amend section 12, of chapter 111, of the Revised Statutes, entitled "of divorce;"

No. 214, S., a bill for an act to amend section 95, chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes.

C. COMSTOCK, *Ch'n.*

The joint committee on Enrolled Bills report that on the 14th inst. they presented to the Governor for his approval, the following bills, viz:

No. 261, A., a bill for an act to amend chapter 127, of the General Law of 1859, entitled an act to require the circuit judge of the Third Judicial Circuit to hold special terms of the circuit court;

No. 264, A., a bill for an act to amend an act "entitled an act to incorporate the villag of Geneva;"

No. 219, A., a bill for an act to annex certain territory to Geneva school district number one;

No. 229, A., a bill for an act to incorporate the village of Fort Atkinson;

No. 416, A., a bill for an act to amend an act entitled "an act to incorporate the city of La Crosse," and the several acts amendatory thereto, approved March 14th, 1856.

C. MILLER, *of Assem. Com.*
GEO. BENNETT, *of Sen. Com.*

The select committee to whom was referred

No. 169, A., a bill for an act regulating the right of miners and persons digging for lead ore;

Have had the same under consideration, and report the bill back to the Senate, and recommend its passage.

WM. H. VIRGIN,
P. B. SIMPSON.

The commiitee on Finance to whom was referred

Nos. 273, and 274, S., the former for an act regulating rail roads, and the latter for an act exempting certain property therein named from taxation;

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Report the same back recommending their passage, merely suggesting, that if one is passed, the other should be, as they may be regarded as inseparably connected.

A. I. BENNETT, *Ch'n.*

The committee on Incorporations to whom was referred

No. 354, A., a bill for an act to amend an act entitled an act incorporate the Peshtigo Lumbering and Manufacturing Company, approved October 11, 1856, and the amendments thereto;

And

No. 443, A., a bill for an act to incorporate the Mequon Farmers Mutual Insurance Company;

Have had the same under consideration and instructed me to report the same back to the Senate and recommend their passage.

Also,

No. 359, A., a bill for an act to amend section 9, of chapter 2, of an act entitled an act to incorporate the city of Fond du Lac, approved March 19, 1852;

And

No. 370, A., a bill for an act to incorporate the Thiensville Fire Engine Company;

Have had the same under consideration and instructed me to report the same back to the Senate and recommend that they be indefinitely postponed.

SEELEY, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 168, A., a bill for an act to incorporate the St. Anthony Mutual Relief Society, of the city of Milwaukee;

No. 224, A., a bill for an act to legalize the organization of joint school district No. 7, of Burke and Blooming Grove;

No. 225, A., a bill for an act to authorize the city of Milwaukee to construct certain bridges;

No. 277, A., a bill for an act to amend chapter 139, of the Revised Statutes, entiled "of appeals, writs of error and proceedings thereon;"

No. 331, A., a bill for an act to authorize the board of supervisors, of the county of Oconto, to pay for the construction of the State road from Fort Howard, Brown county, to the Menomonee river;

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No. 381, A., a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Waupun;"

No. 383, A., a bill for an act to amend the act, entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved Feb. 20, 1852, and to amend the several acts amendatory thereof;

No. 384, A., a bill for an act to amend section 53, of chapter 140, of the Revised Statutes entitled "of miscellaneous proceedings in civil actions and general provisions;"

No. 395, A., a bill for an act to provide for the location and construction of a portion of the State road from Oshkosh to Green Bay;

No. 418, A., a bill for an act to amend an act entitled an act to incorporate the village of Waterloo, approved March 15th, 1859;

No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society, in the village of Lowell, Dodge county:

No. 522, A., a bill for an act authorizing the town of Oakland to subscribe for fifty shares of the capital stock of the Union Hall Co., and to levy a tax to pay for the same;

J. Res. No. 29, A., relative to grants of public lands, to actual settlers, and to passage of the Homestead Bill;"

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 119, S., a bill to authorize John D. Trumbull, to keep and maintain, a ferry across Lake Pepin, in the county of Pierce.

I am also directed to present to you for signature

No. 114, S., an act to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the State;

No. 117, S., an act to provide for the removal of the county seat of Buffalo county;

No. 221, S., an act to extend the time for the collection of taxes in the county of Marathon;

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has refused to concur in the passage of

No. 123, S., a bill for an act to repeal chapter 48, of the General Laws of 1858, entitled "an act to amend section 5, of chapter 121, of General Laws of 1856, entitled an 'act concerning Railroads.'"

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I am further directed to inform you that the Assembly has passed

No. 530, A., a bill for an act to amend chapter 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and providing for improving the same;"

And asks the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 147, S., a bill for an act to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto,"

With amendment, and concurred in as amended.

No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

With amendment, and concurred in as amended.

No. 288, S., a bill for an act to perfect the laying out of a State road from Howard City, in Dane county, to the village of Waterloo, in Jefferson county.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time, and passed:

No. 228, S., a bill for an act to amend section 12, of chapter 111, of the Revised Statutes, entitled "of divorce;"

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $250;

The ayes and noes being required,

The bill was passed—ayes 17, noes 11.

Those who voted in the affirmative were

Senators Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Simpson, Sweat, Taylor, Thurbur and Washburn—17.

Those who voted in the negative were

Senators A. I. Bennett, G, Bennett, Burdick, Comstock, Cox, Davis, Masters, Seeley, Stewart, Virgin and Worthington—11.

No. 188, S., a bill for an act concerning the transcribing of records;

No. 199, S., a bill for an act to amend chapter 151, of the Revised Statutes, entitled "of forcible entry and unlawful detainer;

No. 23, S., a bill for an act concerning judgments in certain cases;

No. 232, S., a bill for an act to amend section 2, of chapter

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140, of the Revised Statutes, entitled "of miscellaneous proceedings in civil actions and general provisions;"

Was read a third time

And the Senate refused to pass it.

On motion of Sen. Worthington,

The vote by which the Senate refused to pass said bill

No. 232, S.,

Was reconsidered.

The question recurring on the passage of the bill,

It was passed.

No. 214, S., a bill for an act to amend section 95, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

The ayes and noes being required,

The bill was passed—ayes 18, noes 7.

Those who voted in the affirmative, were

Senators G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Hanchett, Hutchinson, Phillips, Seeley, Stewart, Sweat, Virgin, Washburn and Worthington—18.

Those who voted in the negative, were

Senators Fratt, Gill, Hilgen, Hotchkiss, Maxon, Simpson and Thurbur—7.

On motion of Sen. Washburn,

The vote by which the Senate passed bill

No. 214, S.,

Was reconsidered.

On motion of Sen. Hotchkiss;

The bill was recomittted to the Judiciary committee, with instructions to amend the bill so as to provide that the five per cent. be returned to the town treasury when collected by the county treasurer.

No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the drainage fund income, and to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

Was, on motion of Sen. Worthington,

Referred to the committee on Education, School and University Lands.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 133, S., a bill for an act to amend chap. 64, of the General Laws of 1858;

No. 210, S., a bill for an act relating to the estate of Dennis Bunell, deceased;

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No. 191, S., a bill for an act to amend chap. 66, of the Revised Statutes, entitled "of religious societies, and to legalize the acts of registers of deeds in certain cases;

No. 185, A., a bill for an act to vacate block No. 7, in Cross and Ludington's addition to Milwaukee;

No. 174, A., a bill for an act to repeal sec. 1, of chap. 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

No. 171, A., a bill for an act to vacate block 20, of Vliet's addition to the city of Milwaukee;

Were indefinitely postponed.

Sen. Virgin moved to lay on the table

No. 115, S., a bill for an act to provide for carrying into effect chap. 210, of the General Laws of 1859, relative to town school libraries;

The ayes and noes were called for, and

The motion was lost—ayes 8, noes 15.

Those who voted in the affirmative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Maxon, Sweat and Virgin—8.

Those who voted in the negative were

Senators Bartlett, Comstock, Cox, Curtis, Davis, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Simpson, Stewart, Taylor, Washburn and Worthington 15.

Sen. Gill moved to indefinitely postpone the further consideration of the bill;

Ruled out of order.

The question occurring on the adoption of the amendment which Sen. Maxon this morning offered to Sen. Washburn's amendment to the bill;

The ayes and noes were called for;

And the amendment lost—ayes 9, noes 20.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Maxon, Sweat and Thurbur—9.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Taylor, Virgin, Washburn and Worthington—20.

Sen. Phillips moved to amend Sen. Washburn's amendment by inserting in the blank in said amendment, the words "not to exceed twenty;"

And the motion prevailed.

The question occurring on the adoption of Sen. Washburn's amendment;

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It was adopted.

Sen. Gill moved to indefinitely postpone the further consideration of the bill;

The ayes and noes were called for;

And the motion was lost—ayes 10, noes 18.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Maxon, Sweat, Thurbur and Virgin—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—18.

The question occurring on ordering to a third reading the bill as amended;

The ayes and noes were called for;

And the bill was so ordered—ayes 16, noes 10.

Those who voted in the affirmative were

Senators Bartlett, Comstock, Cox, Curtis, Davis, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—16.

Those who voted in the negative were

Senators A. I. Bennett, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Maxon, Sweat and Virgin—10.

Sen. Ferguson moved to suspend all rules in order to put upon their passage bills

No. 273, S., a bill for an act regulating railroads;

And

No. 274, S., a bill for an act exempting certain property therein named from taxation;

Pending which,

Sen. Sweat moved that the Senate do now adjourn,

And the motion was lost.

The question occurring on the motion to suspend the rules,

The rules were suspended.

The question occurring on ordering to a third reading said bill

No. 273, S.,

It was so ordered and read.

On the passage of the bill

The ayes and noes being required,

The bill was passed—ayes 27, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Max-

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on, Phillips, Seeley, Simpson, Stewart, Sweat, Thurbur, Virgin and Worthington—27.

Those who voted in the negative were

Senators Taylor and Washburn—2.

The question then occurring on ordering to a third reading said bill

No. 274, S.,

Sen. Sen. Curtis moved to strike the proviso from the section of the bill;

Pending which,

Senator Ferguson moved to amend the amendment by ad n to the proviso the following:

"Within incorporated cities and villages."

The question then occurring on Senator Curtis' motion,

It was withdrawn.

Senator Stewart moved to amend the bill by adding to section one the following:

"*Provided also*, That all lands owned or claimed by such railroad companies, not adjoining the track of such companies, shall be subject to all taxes to the same extent as though this act had not passed;"

And the motion prevailed.

The question then occurring on ordering to a third reading the bill as amended;

The ayes and noes were called for,

And the bill was so ordered—ayes 23, noes 4.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Seeley, Stewart, Thurbur, Virgin and Washburn—23.

Those who voted in the negative were

Senators Masters, Simpson, Taylor and Worthington—4

On motion of Senator Decker,

The Senate adjourned.

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THURSDAY, MARCH 15, 9 o'clock, A. M.

The Senate met.
The Lieut. Governor in the chair.
Rev. Mr. Walter officiated as chaplain.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Davis:

No. 134. S., petition of William Soules, and 38 others, for an amendment to sections 70 and 71, of chapter 19, of the Revised Statutes:

To committee on Roads, Bridges and Ferries.

No. 135, S., remonstrance of J. J. Davidson and 55 others, citizens of Adams county, against the repeal of the Kilbourn City Dam charter;

To committee on Incorporations.

No. 136, S., petition of Henry Converse and 20 other citizens of Columbia county, for the repeal of chapter 124, of the General Laws of 1858, entitled an act conferring jurisdiction on the county court of Columbia county;

To General File.

No. 137, S., memorial of the board of supervisors, of Columbia county, for the repeal of chapter 124, of the General Laws of 1858, entitled "an act conferring jurisdiction on the county court of Columbia county;"

To General File.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Virgin:

No. 293, S., a bill for an act to repeal chapter 97, of the Private and Local Laws of 1857, "an act to amend chapter 78, of the Private and Local Laws of 1853, entitled 'an act to incorporate the Watertown and Madison Railroad Company,'" approved March 17, 1853.

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By Sen. Thurbur:

No. 294, S., a bill for an act to amend an act to incorporate the Manitowoc Library and Scientific Association;

To committee on Incorporations.

By Sen. Taylor:

No. 295, S., a bill for an act to incorporate the Dane County Agricultural and Mechanical Association;

To general file.

By committee on Claims:

No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

To general file.

By committee on Claims:

No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

To general file.

By committee on Benevolent Institutions:

No. 298, S., a bill for an act to exempt sewing machines from levy and sale on execution;

On motion of Sen. Curtis,

All rules were suspended in order to put said bill No. 298, S., on its passage.

The bill was ordered to a third reading and read.

On the passage of the bill,

The ayes and noes were called for,

And the bill was passed—ayes 24, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—24.

Those who voted in the negative were

Senators Gill and Simpson—2.

By Sen. Cox:

No. 299, S., a bill for an act to amend section 12, of chap. 3, of an act to incorporate the city of Prescott, approved March 9th, 1857;

To general file.

By Sen. Washburn:

No. 300, S., a bill for an act to repeal section 3, of chapter 210, of the General Laws of 1859, entitled "an act to provide a permanent school library fund;"

To general file.

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ACCOUNTS,

Presented and referred.

By Sen, Hutchinson:
No. 41, S., account of Cyrus K. Lord, $126,98;
To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Gill:
No. 77, S.,
Resolved, That when the Senate adjourns, it adjourn to meet at 7 1-2 o'clock this evening.
Adopted.

REPORTS OF COMMITTEES.

The committee on Federal Relations, to whom was referred No. 6, S., a memorial to the Postmaster General for reinstatement of service on route 13,031;
Have considered the same, and instructed me to report it back, and recommend its passage.

H. W. CURTIS, *Ch'n.*

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled, viz.:
No. 242, S., a bill for an act concerning testimony and investigation;
No. 81, S., a bill for an act to amand an act entitled an act to incorporate the Yellow River Improvement Company, approved March 2, 1857;
No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;
No. 257, S., a bill for an act to authorize the holding of a special term of the circuit court in and for the county of Jefferson;
No. 181, S., a bill for an act to amend chapter 22, of the Revised Statutes, entitled of acadamies and normel schools;
No. 60, S., a bill for an act to authorize the Citizen's Bank, Oshkosh, to remove to Black River Falls, Jackson co.;
No. 76, S., a bill for an act to amend an act approved March 11, 1859, entitled "an act to amend an act to incorporate the village of Horicon," approved March 29, 1855;
No. 207, S., a bill for an act to appropriate to L. P. Harvey the sum of $446 75.

GEO. BENNETT, *Ch'n.*

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The committee on Benevolent Instiqutions to was referrred the petition of Medora H. Lovell and other ladies of Kenosha, asking that sewing machines be exempt from sale on execution, believing that the object of the petitioners is meritorious, report a bill for that purpose, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Engrossed Bills have examined and compared

No. 274, S., a bill for an act exempting certain property therein named from taxation;

And find the same correctly engrossed.

C. COMSTOCK, *Ch'n.*

The committee on Claims to whom was referred accounts

No. 32, S., the abcount of A. J. Langworthy for conveying convicts to Waupun;

No. 37, S., the account of Rufus Parks for envelopes purchased of Samuel Raynor, for use of State;

Have had the same under consideration, and have instructed me to report them back by bills

No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40:

And recommend said bills do pass.

Also, account

No. 12, S., the account of D. L. Mills for abstracting lands mortgaged to the State, and making returns of marriages;

Have had the same under consideration, and report it back with the recommendation that the owner have leave to withdraw his account.

Z. P. BURDICK, *Ch'n.*

The committee on Claims to whom was referred bills

No. 164, A., a bill for an act to appropriate to L. E. Sexton the sum of $83;

No. 215, S., a bill for an act to appropriate to J. M. Maughs the sum of $25 10;

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

Have had the said bills under consideration, and have instructed me to report them back with the recommendation that said bills do pass.

Z. P. BURDICK, *Ch'n*

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Senator A. I. Bennett moved to recall from the Assembly, bill

No. 174, A.,

Senator Hutchinson moved to lay the motion on the table.

They ayes and noes were called for, and

The motion was lost—ayes 8, noes 17.

Those who voted in the affirmative were

Senators G. Bennett, Gill, Hanchett, Hutchinson, Masters, Seeley, Stewart, and Washburn—8.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox Curtis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Maxon, Phillips, Simpson, Sweat and Virgin—17.

The question occurring on the motion to recall,

The motion prevailed.

Senator George Bennett moved to take from the general file and refer to committee on Benevolent Institutions, bill

No. 63, S., a bill for an act to authorize the board of supervisors of the several counties in the State to appoint a superintendent of county poor;

And the motion prevailed.

Senator Hanchett moved to reconsider the vote by which the Senate yesterday passed bill

No. 273, S., a bill for an act regulating railroads,

And the motion prevailed.

Senator Hanchett asked unanimous consent to amend the bill by inserting between the word "and" and "completed" in second line of section 1, of printed bill, the words "having a railroad," and also inserting between the words "organized" and "shall" in the second line of section 3, the words "or any lessee, trustee, or other agent or person operating any railroad;"

No objection was made, and the amendments were agreed to.

The question occurring on the passage of the bill, and

The ayes and noes being required,

The bill was passed—ayes 22, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Decker, Egan, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Hutchinson, Phillips, Seeley, Simpson, Stewart, Sweat, Thurbur, Virgin and Washburn—22.

Those who voted in the negative were

Senators Maxon and Taylor—2.

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ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 168, A., a bill for an act to incorporate the St. Anthony Mutual Relief Society, of the city of Milwaukee;

No. 381, A., a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Waupun;"

No. 418, A., a bill for an act to amend an act entitled "an act to incorporate the village of Waterloo," approved March 15th, 1859;

No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society, in the village of Lowell, Dodge county;

To committee on Incorporations.

No. 522, A., a bill for an act authorizing the town of Oakland to subscribe for fifty shares of the capital stock of the Union Hall Co., and to levy a tax to pay for the same;

Was referred to Sen. Masters.

No. 224, A., a bill for an act to legalize the organization of joint school district No. 7, of Burke and Blooming Grove;

To committee on Education, School and University Lands.

No. 225, A., a bill for an act to authorize the city of Milwaukee to construct certain bridges;

No. 383, A., a bill for an act to amend the act, entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852, and to amend the several acts amendatory thereof;

Were referred to Senators Comstock and Eagan.

No. 277, A., a bill for an act to amend chapter 139, of the Revised Statutes, entitled "of appeals, writs of error and proceedings thereon;"

No. 384, A., a bill for an act to amend sec. 53, of chap. 140, of the Revised Statutes, entitled "of miscellaneous proceedings in civil actions and general provisions;"

To Judiciary committee.

No. 331, A., a bill for an act to authorize the board of supervisors, of the county of Oconto, to pay for the construction of the State road from Fort Howard, Brown county, to the Menomonee river;

To committee on Town and County Organization.

No. 530, A., a bill for an act to amend chapter 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and providing for improving the same;"

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No. 395, A., a bill for an act to provide for the location and construction of a portion of the State road from Oshkosh to Green Bay;

To committee on Roads, Bridges and Ferries.

J. Res. No. 29, A.,

Relative to grants of public lands to actual settlers, and to passage of the Homestead Bill;

To general file.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Asst. Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature, the following bills which have been signed by the Speaker:

No. 14, A., an act authorising persons who have a lien upon land to pay the taxes upon the same;

No. 56, A., an act to incorporate the workmen's relief association of the city of Watertown;

No. 57, A., an act to provide for the disposal of the drainage fund moneys in the county of Fond du Lac;

No. 63, A., an act to change the boundaries of the counties of Marathon, Shawanaw and Oconto;

No. 85, A., an act to amend chapter 91, of the Laws of 1858, entitled "an act to provide for the protection of stockholders of railroad corporations;

No. 99, A., an act to amend sections 35 and 46 of chapter 2, of the Revised Statutes, entitled "of the division of the State into counties and their boundaries;"

No. 125, A., an act to make certain records in Brown Co., evidente in certain cases;

No. 148, A., an act to restore William Greeno to citizenship;

No. 157, A., an act to amend an act entitled "an act to incorporate the Mutual Life Insurance Company of the city of Madison," approved March 19th, 1859;

No. 165, A., an act to incorporate the village of Pepin;

No. 210, A., an act prescribing the mode of sale on judgments or orders of court in certain case;

No. 213, A., an act to amend an act to incorporate the borough of Fort Howard, and the act amendatory thereof approved Oct. 13th, 1856;

No. 234, A., an act in relation to costs on appeals from the board of Supervisors;

No. 317, A., an act to appropriate to Church & Hawley, the sum of $178 61;

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No. 337, A., an act to authorize the city of Madison to levy and collect a special tax for the years 1860 and 1861.

I am further directed to return herewith to the Senate as requested

No. 174, A., a bill for an act to repeal section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., As't. Clerk thereof.

Mr. President—

I am directed to present to you for signature

No. 60, S., a bill for an act to authorize the Citizen's Bank, of Oshkosh, to remove to Black River Falls, Jackson county;

No. 76, S., a bill for an act to amend an act approved March 11, 1859, entitled "an act to amend an act to incorporate the village of Horicon," approved March 29, 1855;

No. 81, S., a bill for an aet to amend an act entitled "an act to incorporate the Yellow River improvement company," approved March 2, 1857;

No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relative to the Dane county court;"

No. 181, S., a bill for an act to amend chapter 22, of the Revised Statutes, entitled "of academies and normal schools;"

No. 207, S., a bill for an act to appropriate to L. P. Harvey the sum of $446 75;

No. 242, S., an act concerning testimony and investigation;

And

No. 257, S., a bill for an act to authorize the holding of a special term of the circuit court for the county of Jefferson;

Which have been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to present to you for signature—

No. 410, A., an act to appropriate to Seth M. VanBergen, the sum of $765 83;

And

No. 288, S., an act to perfect the laying out of a State road from Howard City, in Dane county, to the village of Waterloo, in Jefferson county;

Which have been signed by the Speaker.

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On motion of Sen. Geo. Bennett,
The Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file,
Sen. Washburn in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 278, A., a bill for an act to amend sec. 28, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial and judgments in civil actions;"

No. 143, A., a bill for an act restoring Levi B. Hanan to citizenship;

No. 392, A., a bill for an act to appropriate to Louis Gootman the sum of $98 86;

No. 390, A., a bill for an act to appropriate to S. G. Benedict the sum of $12;

No. 301, A., a bill for an act to appropriate to Mitchell L. Delaney the sum of $75;

No. 273, A., a bill for an act to amend the charter of the city of Appleton.

No. 250, S., a bill for an act to appropriate to Joseph Giles the sum of $75;

No. 365, A., a bill for an act to provide for the incorporation of benevolent, charitable, scientific and literary societies;

No. 342, A., a bill for an act to authorize the city of Portage to maintain a levee;

No. 335, A., a bill for an act to enable the corporation of the village of Sparta to construct side-walks, and otherwise improve the streets of said village;

No. 305, A., a bill for an act to amend an act entitled "an act to incorporate the United States Insurance Company," approved April 3, 1854;

No. 321, A., a bill for an act to provide for the payment of all audited accounts;

No. 223, S., a bill for an act to amend an act entitled "an act to make a temporary loan to the State University," approved March 21, 1859;

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;

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No. 47, S., a bill for an act to incorporate the Green Bay Gas Light Company;

No. 225, S., a bill for an act to amend chapter 35, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;"

No. 50, S., a bill for an act to legalize the assessment of taxes it the county of Walworth;

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German "Der Turnverein;"

With the recommendation that they do pass.

No. 235, S., a bill for an act to amend chap. 11, of the Rev. Statutes entitled "of the incorporation of banking associations;"

No. 55, S., a bill for an act to establish an official State paper;"

No. 12, S., a bill far an act to amend chap. 12, of the Rev. Statutes, entitled "of notaries public; '

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases;

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

No. 284, A., a bill for an act ty establish the name of Ellis Metcalf;

No. 33, A., a bill for an act to lay out a State road from Steuen's Point to Eau Claire;

No. 214, A. a bill for an act to amend section 1 and 2, of chapter 89, the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf of the State;"

No. 358, A., a bill for an act to repeal chapter 46, of the General Laws of 1860, entitled "an act to extend the time for collection of taxes in the town of Freedom, in the county of Outagamie;

No. 274, A., a bill for an act to amend section 87, of chap. 13, of the Revised Statutes, entitled "of counties and county officers;

With amendments and recommendation to pass when so amended.

No. 109, S., a bill for an act to appropriate to S. D. Carpenter a sum of money therein named;

No. 90, S., a bill for an act to prescribe the manner of letting the public printing and binding, and to direct the mode of settling accounts for the same;

No. 108, A., a bill for an act to amend chapter 143, of the Revised Statutes, entitled "of strays, and lost money and goods;"

With the recommendation of indefinite postponement.

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No. 334, A., a bill for an act for the relief of settlers upon the even sections of Fox and Wisconsin River Improvement Company;

With recommendation of reference to committee on Public Lands.

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislatue for the year 1860;

With recommendation of reference to select committee.

Senator Sweat moved to suspend all rules in order to put upon its passage bill

No. 363, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital stock;

And the motion was lost.

Senator A. I. Bennett moved to reconsider the vote by which the Senate yesterday passed bill

No. 174, A., a bill for an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

And the motion prevailed.

Sen. A. I. Bennett asked the unanimous consent to amend the bill as follows:

Strike out all after the enacting clause, and insert

"SECTION 1. Section 1, of chapter 113, of the General Laws of 1859, entitled "an act to amend chapter 153, of the Revised Statutes, entitled "of the lien of mechanics and others," is hereby amended by striking out the words "ninety days," and insert the words "six months" in lieu thereof."

SEC. 2. This act shall take effect and be in force from and after its passage."

No objection was made, and

The amendment was adopted.

The question occurring on the passage of the bill as amended, it was passed.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

Said bills No's. 50, 225, 47, 220, 223, 229, and 250, S.,

Ordered engrossed for a third reading.

No's. 278, 143, 392, 390, 273. 365, 342, 335 and 305, A.,

Were ordered to a third reading.

The Senate refused to order to a third reading, bill

No. 321, A.

No. 334, A.,

Was referred to committee on Public Lands.

No. 244, S.,

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Was referred to select committee of Sen. Burdick, Fratt and Hutchinson.

On the question of ordering to a third reading, bill

No. 301, A.;

The ayes and noes were called for;

And the bill was so ordered—ayes 18, noes 8.

Those who voted in the affirmative, were

Senators Bartlett, Curtis, Davis, Decker, Eagan, Ferguson, Gill, Hilgen, Masters, Maxon, Phillips, Seeley, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—18.

Those who voted in the negative, were

Senators A. I. Bennett, Burdick, Comstock, Cox, Fratt, Hutchinson, Rodolf and Simpson—8.

The Senate adopted the amendment to bill

No. 55, S.;

The ayes and noes being called for,

On ordering the bill as amended to a third reading,

It was so ordered—ayes 16, noes 12.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.

Those who voted in the negative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—12.

The amendments to bills

Nos. 120 and 112, S.,

Were adopted, and the bills as amended were ordered engrossed for a third reading.

The amendments to bills

Nos. 274, 358, 214, 284, 33 and 37, A.,

Were adopted, and the bills as amended were ordered to a third reading.

The Senate adopted the amendment to bill

No. 235, S.,

And the question occurring on ordering the bill as amended to be engrossed for a third reading,

Sen. Virgin moved to amend the bill by adding to section 1, the following:

"And any incorporated bank in this State, refusing to loan money to any person upon good and sufficient security at seven per centum per annum, shall forfeit its charter."

The ayes and noes being required,

The amendment was adopted—ayes 15, noes 13.

Those who voted in the affirmative were,

Senators Davis, Decker, Eagan, Ferguson, Fratt, Hilgen,

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Hutchinson, Maxon, Phillips, Seeley, Simpson, Sweat, Taylor, Thurbur and Virgin—15.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Curtis, Gill, Hanchett, Hotchkiss, Masters, Rodolf, Stewart, Washburn and Worthington—13.

Senator Hutchinson moved to reconsider the vote by which the Senate adopted said amendment.

Senator Virgin moved to lay Senator Hutchinson's motion on the table;

The ayes and noes were called for, and

The motion was lost—ayes 11, noes 18.

Those who voted in the affirmative were

Senators Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Simpson, Sweat, Taylor and Virgin—11.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Stewart, Thurbur, Washburn and Worthington—18.

The question occurring on the motion to reconsider,

The ayes and noes were called for, and

The motion prevailed—ayes 15, noes 14;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Stewart, Washburn and Worthington—15.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Seeley, Simpson, Sweat, Taylor, Thurbur and Virgin—14.

On motion of Senator Rodolf,

The Senate adjourned till half past seven this evening.

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7 1-2 o'clock P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read 1st and 2d times, and referred.

By Joint Select Committee in relation to the State Hospital for the Insane:

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No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane and for other purposes;

To general file.

REPORT OF COMMITTEE.

The Joimt Select Committee appointed to prepare a bill providing for the organization of the State Hospital for the Insane have had the subject under consideration, and submit the accompanying bill

No. 301, S.,

And recommend its passage.

A. I. BENNETT, *Ch'n. of Sen. Com.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq, Chief Clerk thereof:

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed,

No. 77, A., a bill for an act to repeal chap. 330, of the Private and Local Laws of 1855, entitled "an act to incorporate the Wisconsin River Hydraulic Co.;"

No. 78, A., a bill for an act to repeal chap. 270, of the Private and Local Laws of 1853, entitled "an act to authorize John Marshal, Joseph Bailey, Edward Norris, Jonathan Bowman, James Cristie, and their successors to build and maintain a dam across the Wisconsin river;

No. 79, A., a bill for an act to repeal chap. 508, of the Private and Local Laws of 1856, entitled "an act to amend chap. 330, of the Private and Local Laws of 1855;"

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 180, S., a bill to amend an act entitled "an act to annex certain territory to the town of Hudson;"

M. C. No. 5, S., a memorial to the Postmaster General of a change in a mail route;

I am further directed to inform you that the Assembly has passed

No. 377, A., a bill for an act concerning warehouse receipts and bills of lading, and to repeal section 36, of chapter 165, of the Revised Statutes, entitled "of offences against property;"

No. 431, A., a bill for an act concerning the coupons of the capital extension bonds, issued by the city of Madison;

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No. 464, A., a bill for an act to appropriate to Muldoon & Crampton the sum of $77 15;

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

No. 485, A., a bill for an act relating to repairs of plank and turnpike roads.

I am also directed to present to you for signature the following bills which have been signed by the Speaker:

No. 126, A., an act to provide for the disposal and expenditure of the drainage fund moneys in Shawanaw county;

No. 211, A., an act authorizing the county of Brown to aid in the construction of the Green Bay and Madison Railroad;

No. 251, A., an act to appropriate to Thomas B. Lacy, the sum of $87,68;

No. 327, A., an act to authorize the district board of joint school district No. 2, of the town and city of Ripon to collect a tax;

No. 338, A., an act for the relief of settlers on north-east quarter of section 16, township 26, range 16, in Shawanaw county;

No. 343, A., an act to provide for laying out a State road from Shawano to the State line;

No. 357, A., an act to provide for the sale of lands returned to the county treasurer of the county of Chippewa, for the non-payment of taxes for the year 1857;

No. 488, A., an act to change the time for holding elections in the city of Hudson;

SPECIAL ORDER.

J. Res. No. 6, S., joint resolution in relation to riots at Harper's Ferry, together with a substitute reported by a majority of the committee on Federal Relations;

The report of the minority of said committee, and the motion made by Sen. Gill to "strike out of the third resolution all that relates to the robbery of 1855;"

The question occurring on Sen. Gill's amendment;

The ayes and noes were called for;

And the motion was lost—ayes 10, noes 13.

Those who voted in the affirmative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Thurbur—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Stewart and Worthington—13.

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Sen. Maxon moved to amend the substitute by adding the following to stand, as the second resolution:

Resolved, That we denounce as worthy the most unqualified condemnation, every demonstration, and every expression of public sentiment tending to extenuate or apologize for the conduct of the criminal actors in the riots at "Harper's Ferry," and we hold those, in whatever party or profession, whose teachings and exhortations have manifestly tended to this great wrong, as fully responsible to the country for all its evil consequences.

Sen A. I. Bennett moved to amend the amendment,

And it was ruled out of order.

The question recurring on Sen. Maxon's motion,

The ayes and noes were called for and

The motion was lost—ayes 10, noes 15.

Those who voted in the affirmative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Thurbur—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin and Worthington—15.

Sen Stewart moved the previous question,

And the call was not sustained.

Sen. Gill moved a call of the Senate, and

The call was sustained.

The roll being called, Senators Ferguson, Phillips, Sweat, Taylor and Washburn, were absent without leave.

The Sergeant-at-Arms proceeded to summon the absentees.

Senator Curtis moved that the Senate do now adjourn;

And the motion was lost.

Senator A. I. Bennett moved to dispense with further proceedings under the call;

And the motion was lost.

Senator Hotchkiss moved that the Senate do now adjourn;

And the motion was lost—ayes 12, noes 13.

Those who voted in the affirmative were

Senators Comstock, Curtis, Davis, Decker, Egan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Simpson and Virgin—12.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Hanchett, Hutchinson, Masters, Rodolf, Seeley, Stewart, Thurbur and Worthington—13.

Senator Thurbur moved to reconsider the vote by which the Senate refused to adjourn;

Ruled out of order.

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Senator Gill appealed from the decision of the chair;

The question being

"Shall the ruling of the chair stand as the judgment of the Senate?"

Sen. Virgin moved to lay the appeal on the table.

The ayes and noes were called for, and

The motion prevailed—ayes 23, noes 2.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Rodolf, Seeley, Simpson, Stewart, Thurbur, Virgin and Worthington—23.

Those who voted in the negative, were

Senators Hotchkiss and Maxon—2.

Sen. Gill moved to reconsider the vote by which the Senate laid his appeal on the table.

Ruled out of order.

Sen. Gill appealed from the decision of the chair.

Sen. A. I. Bennett moved to lay the appeal on the table;

Pending which

Senator Simpson moved that the Senate do now adjourn.

The ayes and noes were called for

And the motion prevailed—ayes 14, noes 12.

Those who voted in the affirmative were

Senators Comstock, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Thurbur—14.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, and Worthington—12.

Senate adjourned.

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FRIDAY, MARCH 16, 9 o'clock A. M.

Senate met.
Lieutenant Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.
Sen. Phillips asked leave of absence for three days;
Granted.
Sen. Washburn asked leave of absence till Monday P. M.;
Granted.
Sen. Maxon asked leave of absence for Sen. Ferguson till Monday afternoon;
Granted.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred:

By Sen. Comstock:
No. 302, S., a bill for an act to provide for the management of the public schools in the city of Milwaukee;
To Sen. Comstock and Eagan.

By Sen. Comstock:
No. 303, S., a bill for an act concerning garnishee proceedings;
To Judiciary commmittee.

By Sen. Hutchinson:
No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled of actions against the State;
To Judiciary committee.

By committee on Education, School and University Lands:
No. 305, S., a bill for an act to amend section 13, of chapter 94, of the General Laws of 1859, entitled "an act to amend and consolidate chapter 22, of the Revised Statutes, entitled "of academies, normal schools, and chapter 139, of the acts of general nature, of 1849;"
To general file.

By committee on Claims:
No. 306, S., a bill for an act to appropriate to Thomas Gill the sum of $30;
To general file.

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By committee on Claims:

No. 307, S., a bill for an act to appropriate to Thomas Knudson the sum of $38;

To general file.

By committee on Claims:

No. 308, S., a bill for an act to appropriate to William F. Gill the sum of $42;

To general file.

By committee on Claims:

No. 309, S., a bill for an act to appropriate to Francis Henwood the sum of $30;

To general file.

By committee on Claims:

No. 310, S., a bill for an act to appropriate to William Hawley the sum of $42;

To general file.

By Senator Davis:

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled "an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;"

To general file.

By Senator Hutchinson:

No. 312, S., a bill for an act to amend section 1, of chapter 138, of the Revised Statutes, entitled "of the limitation of actions;"

To the Judiciary committee.

RESOLUTIONS INTRODUCED AND CONSIDERED.

J. Res. No. 6, S.;

Joint resolution in relation to riots at Harper's Ferry, together with a substitute reported by a majority of the committee on Federal relations, and the report of the minority of said committee;

Senator Hutchinson moved the previous question; and

The motion was sustained.

The question being, "Shall the main question be now put?"

The previous question was ordered.

The question occurring on the adoption of the substitute

The ayes and noes were called for,

And the substitute was adopted—ayes 15, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin and Worthington—15.

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Those who voted in the negative were

Senators Decker, Eagan, Gill, Hilgen, Maxon, Rodolf, Simpson and Thurbur—8.

The question then occurring on the adoption of the resolution as amended by the substitute, a division of the question was called for and ordered;

The question then occurring on the first resolution,

The ayes and noes were called for;

And the resolution was adopted—ayes 22, noes 1.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Gill, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Stewart, Thurbur, Virgin and Worthington—22.

Senator Fratt voted in the negative.

The question then occurring on the second resolution,

The ayes and noes were called for;

And the resolution was adopted—ayes 16, noes 9.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin, Washburn and Worthington—16.

Those who voted in the negative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Maxon, Rodolf, Simpson and Thurbur—9.

The question then occurring on the adoption of the third resolution,

The ayes and noes were called for,

And the resolution was adopted—ayes 19, noes 6.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hanchett, Hutchinson, Masters, Rodolf, Seeley, Stewart, Virgin, Washburn and Worthington—19.

Those who voted in the negative were

Senators Decker, Gill, Hilgen, Maxon, Simpson and Thurbur—6.

The question then occurring on the adoption of the fourth resolution,

The ayes and noes being called for,

The resolution was adopted—ayes 25, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—25.

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None voted in the negative.

The question then occurring on the adoption of the fifth resolution,

The ayes and noes were called for,

And the resolution was adopted—ayes 16, noes 8.

Those who voted in the affirmative were,

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Virgin, Washburn and Worthington—16.

Those who voted in the negative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Maxon, Rodolf and Simpson—8.

The question then occurring on the adoption of the preamble,

The ayes and noes were called for, and

The preamble was adopted—ayes 25, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—25.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Hutchinson:

No. 78, S.,

Resolved, That the Joint Committee on Printing be instructed to report back to the Senate to-morrow morning, No. 180, A., a bill for an act to amend section 1, of chapter 178, of the General Laws of 1859, entitled "an act establishing the fees for the publication of the sale of forfeited lands;"

Adopted.

By Senator A. I. Bennett:

No. 79, S,

Resolved, That the State Treasurer be requested to inform the Senate, at his earliest convenience, what amount of State tax remains unpaid, and what amount is now due, from each of the several counties respectively, including the years 1858 and 1859;

Adopted.

By Senator A. I. Bennett:

Res. No. 80,

Resolved, That the Secretary of State be requested to report to the Senate, at his earliest convenience, the aggregate amount of personal property returned by the clerks of the county board of supervisors for the years 1856, 1857, 1858, and 1859;

Adopted.

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REPORTS OF COMMITTEES.

The committee on Education, School and University Lands, to whom was referred

No. 224, A., a bill for an act to legalize the organization of joint school district No. 1, of Burke and Blooming Grove;

Report the same back with recommendation that it be referred to the Senators from Dane county.

HUTCHINSON, *Ch'n.*

Said bill was referred to Senators Sweat and Taylor.

The join committee on Enrolled Bills, report that on the 15th inst., they presented to the Governor, for his approval, bill

No. 288, S., a bill for an act to perfect the laying out of a State road from Howard city, in Dane county, to the village of Waterloo, in Jefferson county;

That on the 16th inst., they also presented to the Governor, for his approval, the following bills, viz:

No. 60, S., a bill for an act to authorize the Citizens Bank of Oshkosh, to remove to Black River Falls, Jackson county;

No. 181, S., a bill for an act to amend chapter 22, of the Revised Statutes, entitled "of academies and normal schools;"

No. 76, S., a bill for an act to amend an act approved March 11, 1859, entitled "an act to amend an act to incorporate the village of Horicon," approved March 29, 1855;

No. 105, S., a bill for an act to amend chapter 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"

No. 81, S., a bill for an act to amend an act entitled "an act to incorporate the Yellow River Improvement Company," approved March 2, 1857;

No. 207, S., a bill for an act to appropriate to L. P. Harvey the sum of $446 75;

No. 242, S., a bill for an act concerning testimony and investigation;

No. 257, S., a bill for an act to authorize the holding of a special term of the circuit court in and for the county of Jefferson.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The Committee on Claims to whom was referred accounts

No. 23, S., the account of Thos. Gill as witness before the investigating committee on State affairs in 1858;

No. 24, S., the account of Wm. J. Gill for same;

No. 25, S., the account of Thomas Knudson for same;

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No. 26, S., the account of Francis Henwood for same;

No. 27, S., the account of Wm. Hawley for same;

Have had the said accounts under consideration and report them back by bills:

No. 306, S., a bill for an act to appropriate to Thomas Gill the sum of $30;

No. 308, S., a bill for an act to appropriate to Wm. J. Gill the sum of $42;

No. 307, S., a bill for an act to appropriate to Thos. Knudson the sum of $38;

No. 309, S., a bill for an act to appropriate to Francis Henwood the sum of $30;

No. 310, S., a bill for an act to appropriate to Wm. Hawley the sum of $42;

And recommend the passage of said bills

Also

No. 282, S., a bill for an act to appropriate the sum of $25,000 to the State Prison commissioner;

Have had the same under consideration, and have instructed me to report it back with an amendment, and recommend its passage as amended. Z. P. BURDICK, *Ch'n.*

The Committee on Engrossed Bills have examined and compared

No. 55, S., a bill for an act to establish an official State papaper;

And find the same correctly engrosseed.

C. COMSTOCK, *Ch'n.*

The committee on the Judiciary, to whom were referred the following bills,

No. 277, A., a bill for an act to amend chapter 139, of the Revised Statutes, entitled of "appeals, writs of error, and proceedings thereon;"

No. 374, A., a bill for an act to amend chapter 127, of the Revised Statutes, entitled "of arrest and bail;"

And

No. 384, A., a bill for an act to amend sec. 53, chap. 140, of the Revised Statutes, entitled "of miscellaneous proceedings in civil actions and general provisions;"

Have had said bills under consideration, and herewith report the same back, recommending their passage.

Said committee have also had under consideration

No. 183, A., a bill for an act relating to the estate of F. I. VanderBrock;

Which is herewith reported back without recommendation.

HANCHETT, *Ch'n.*

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The special committee to whom was referred bill

No. 522, A., a bill for an act to authorize the town of Oakland to subscribe for fifty shares of the capital stock of the Union Hall Company, and to levy a tax to pay for the same;

Report the same back and recommend its passage.

E. D. MASTERS, *Ch'n.*

The committee on the Judiciary have considered

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;

And instructed me to report the same back with amendments, and recommend its passage when so amended.

HANCHETT, *Ch'n.*

The committee on Town and County Organization, to whom was referred

No. 189, A., a bill for an act to authorize the towns, cities, and villages of the county of Dodge, to retain license moneys in their town, city or village treasuries;

And

No. 408, A., a bill for an act to change the name of the town of Lander, in the county of Grant, to the name of Tafton;

And

No. 331, A., a bill for an act to authorize the board of supervisors of the county of Oconto, to pay for the construction of the State road from Fort Howard, Brown county, to the Menomonee river;

Have had the several bills under consideration, and have instructed me to report the same back to the Senate and recommend their passage.

N. H. VIRGIN, *Ch'n.*

The committee on Benevolent Institutions to whom was referred

No. 63, S., a bill for an act to authorize the board of supervisors of the several counties in this State to appoint a superintendent of county poor;

Have had said bill under consideration, and herewith report the same back with the recommendation that it be indefinitely postponed.

Said committee have also had under consideration

No. 258, A., a bill for an act relating to the support of the poor, in counties where the distinction between county and town poor exists;

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And report the same back with an amendment, and recommend it passage when so amended.

A. I. BENNETT, *Ch'n.*

On motion of Sen. Virgin;

All rules were suspended in order to put upon their passage, the following bills:

No. 408, A., a bill for an act to change the name of Lander, in the county of Grant, to the name of Tafton;

No. 331, A., a bill for an act to authorize the board of supervisors of the county of Oconto to pay for the construction of the State road from Fort Howard, Brown county, to the Menomonee River;"

No. 238, A., a bill for an act relating to the support of the poor in counties where the distinctions between county and and town poor exists;

With an amendment.

No. 171, S., a bill for an act concerning the sale of real estate on executions issued upon judgments at law, or in cases of foreclosure and sale of mortgaged premises;

With amendments.

The question occurring on the adoption of the amendments to said bill No. 171, S.;

They were adopted.

The question then occurring on ordering to a third reading, as so amended;

Sen. Comstock moved to amend the bill by adding, as section 8, the following:

"In all cases where real estate has been, or may now be, advertised for sale on execution, or on any judgment of foreclosure, and not sold prior to the passage of this act, such real estate shall be appraised and sold in accordance with the provisions of this actwithout being again advertised; but such sale may be postponed by continuing the advertisement until so appraised;"

And the motion prevailed.

The question recurring on ordering to a third reading the bill as amended;

On motion of Sen. Rodolf,

The further consideration of the bill was postponed till four o'clock this afternoon, and the bill was made the special order for that hour.

The question then occurring on ordering to a third reading said bill

No. 408, A.,

It was so ordered, read and passage concurred in.

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The question then occurring on ordering to a third reading said bill

No. 331, A.,

It was so ordered, read and the passage concurred in.

Senate adopted the amendment to said bill

No. 238, A.,

And the question then occurring on ordering the bill as amendended to a third reading;

It was so ordered, read and the passage concurred in.

On motion of Sen. Maxon,

All rules were suspended in order to put upon their passage the following bills :

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases ;

With an amendment.

No. 391, A., a bill for an act to appropriate to S. G. Benedict the sum of $12 ;

No. 522, A., a bill for an act authorizing the town of Oakland, to subscribe for fifty shares of the capital stock of the Union Hall Co., and to levy a tax to pay for the same.

The amendment to said bill,

No. 34, S.,

Was adopted, and

The bill was ordered to a third reading and read.

On the passage of the bill as amended,

The ayes and noes being required,

The bill was passed—ayes 16, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hilgen, Hutchinson, Maxon, Rodolf, Taylor, Virgin and Washburn—16.

Those who voted in the negative were

Senators Fratt and Gill—2.

No. 391, A.,

Was ordered to a third reading and read.

The ayes and noes being required on concurring in the passage of the bill ;

It was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Taylor, Thurbur, Virgin and Worthington—22.

None voted in the negative.

No. 522, A.,

Was ordered to a third reading and read.

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The ayes and noes being required on concurring in the passage of the bill;

It was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Taylor, Thurbur, Virgin and Worthington—22.

None voted in the negative.

MESSAGE FROM THE ASSEMBLY

Considered.

Bills read first and second times and referred:

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

No. 485, A., a bill for an act relating to repairs of plank and turnpike roads;

No. 77, A., a bill for an act to repeal chap. 330, of the private and local laws of 1855, entitled "an act to incorporate the Wisconsin River Hydraulic Company;"

No. 78, A., a bill for an act to repeal chap. 270, of the Private and Local Laws of 1853, entitled "an act to authorize John Marshal, Joseph Bailey, Edward Norris, Jonathan Bowman, James Cristie, and their successors to build and maintain a dam across the Wisconsin River;

No. 79, A., a bill for an act to repeal chap. 508, of the Private and Local Laws of 1856, entitled "an act to amend chapter 330, of the Private and Local Laws of 1855;"

To committee on Roads, Bridges and Ferries.

No. 377, A., a bill for an act concerning warehouse receipts and bills of lading, and to repeal section 36, of chapter 165, of the Revised Statutes, entitled "of offences against property;"

To commitee on Judiciary.

No. 431, A., a bill for an act concerning the coupons of the capitol extension bonds, issued by the city of Madison;

To committee on Finance.

No. 464, A., a bill for an act to appropriate to Muldoon and Crampton the sum of $77,15;

To general file.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time, and passed:

No. 47, S., a bill for an act to incorporate the Green Bay Gas Light Company;

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No. 225, S., a bill for an act to amend chapter 35, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;"

No. 50, S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German "'Der Turnverein;"

No. 220, S , a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;

No. 50, S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

The ayes and noes being required,

The bill was passed—ayes 17, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Davis, Decker, Fratt, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Stewart, Taylor, Thurbur and Worthington—17.

None voted in the negative.

No. 250, S, a bill for an act to appropriate to Joseph Giles the sum of $75;

The ayes and noes being required,

The bill was passed—ayes 22, noes none.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Simpson, Stewart, Taylor, Thurbur, Virgin and Worthington—22.

None voted in the negative.

No. 55, S., a bill for an act to establish an official State paper;

With an amendment;

The amendment was adopted;

And the ayes and noes were called for, and

The bill as amended was passed—ayes 14, noes 9.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hutchinson, Masters, Seeley, Stewart, Taylor and Worthington—14.

Those who voted in the negative were:

Senators Decker, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Thurbur—9.

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BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

No. 284, A., a bill for an act to establish the name of Ellie Metcalf;

No. 33, A., a bill for an act to lay out a State road from Steven's Point to Eau Claire;

No. 214, A., a bill for an act to amend sections 1 and 2, of chapter 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf the State;"

With amendments;

The amendments were adopted;

And the bill passed.

The ayes and noes being required on the passage of

No. 358, A., a bill for an act to repeal chapter 46, of the General Laws of 1860, entitled "an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie;

With an amendment;

The bill was passed as amended—ayes 21, noes 0.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Gill, Hilgen, Hutchinson, Maxon, Rodolf, Seeley, Simpson, Stewart, Taylor, Thurbur, Virgin and Worthington—21.

None voted in the negative.

No. 278, A., a bill for an act to amend section 28, of chapter 132, of the Revised Statutes, entitled "of issues, mode of trial, and judgments in civil actions;

No. 143, A., a bill for an act restoring Levi B. Hanan to citizenship;

No. 365, A., a bill for an act to provide for the incorporation of benevolent, charitable, scientific and literary associations;

No. 342, A., a bill for an act to authorize the city of Portage to maintain a levee;

No. 273, A., a bill for an act to amend the charter of the city of Appleton.

The ayes and noes being required on bill

No. 392, A., a bill for an act to appropriate to Louis Gootman the sum of $98 86;

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Simpson, Taylor, Thurbur, Virgin and Worthington—22.

None voted in the negative.

The ayes and noes being required on bill

No. 301, A., a bill for an act to appropriate to Mitchel L. Delaney the sum of $75;

The passage was concurred in—ayes 17, noes 3.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Comstock, Cox, Curtis, Davis, Becker, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Taylor, Thurbur, Virgin and Worthington—17.

Those who voted in the negative were

Senators G. Bennett, Hutchinson and Stewart—3.

No. 274, A., a bill for an act to amend section 87, of chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

With an amendment.

On motion of Sen. Gill,

Bill No. 274, A.,

Was referred to the Judiciary committee.

No. 335, A., a bill for an act to enable the corporation of the village of Sparta to construct side-walks, and otherwise improve the streets of said village;

No. 305, A., a bill for an act to amend an act entitled "an act to incorporate the United States Insurance Company," approved April 3, 1854.

The Senate refused to concur in the passage of bill

No. 321, A., a bill for act to provide for the payment of all audited accounts.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Asst. Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

No. 435, A., a bill for an act to amend an act entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same," approved March 25, A. D. 1858, and all acts amendatory of said act;

And asks the concurrence of the Senate in the same.

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REPORT OF THE COMMITTEE OF THE WHOLE

Considered.

No. 235, S., a bill for an act to amend chapter 71, of the Revised Statutes, entitled "of the incorporation of banking associations;"

Together with the motion yesterday made by Sen. Virgin to amend the bill by adding to section 1, the following:

"And any incorporated bank in this State, refusing to loan money to any person upon good and sufficient security, at 7 per centum per annum, shall forfeit its charter;"

The question occurring on adopting the amendment

The ayes and noes were called for,

And the Senate refused to adopt it—ayes 4, noes 17.

Those who voted in the affirmative were

Senators Fratt, Maxon, Taylor and Virgin—4.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker Eagan, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Rodolf and Worthington—17.

Sen. Hotchkiss moved to amend the bill by striking out all after 1861, in the 2nd line of printed bill, and insert the following:

"No bank or banking association shall be permitted to loan money on real or personal securities, or discount any bills, notes or other evidences of debt;"

Pending which

Sen. Geo. Bennett moved to perfect the paragraph proposed to be stricken out, by striking out the word "seven" where it occurs in the bill, and insert "eight."

The chair ruled that the friends of the bill have a right to perfect the paragraph proposed to be stricken out, before the vote is taken on striking out, and hence the motion of Sen. G. Bennett, is in order.

The question occurring on the adoption of the amendment proposed by Sen. Geo. Bennett;

On motion of Sen. Stewart,

The Senate adjourned till four o'clock P. M.

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4 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present,

REPORTS OF COMMITTEES.

The committee on Finance, to whom was referred:
No 431, A., in relation to the coupons of the capitol extension bonds;
Have had the subject under consideration, and believing that there can be no good reason for such Legislation as the bill provides for, and seeks to carry out, and that it would be improper for the legislature to require those coupons to be received by the treasurer of the city of Madison for city taxes, report back the bill, and recommend that its further consideration be indefinitely postponed.

A. I. BENETT, *Ch'n.*

SPECIAL ORDER.

No. 171, S., a bill for an act concerning the sale of real estate on executions issued upon judgments at law or in cases of foreclosure and sale of mortgaged premises;
Which was made the special order for this hour,
Was taken up and considered.
On motion of Sen. Worthington,
The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On said bill,
No. 171, S.
After sometime spent therein the committee rose, and reported back said bill, with the recommendation that it do lie on the table.

REPORT OF THE COMMITTEE OF THE WHOLE

Considered.
Said bill
No. 171, S.,
Was laid on the table.
On motion of Sen. Gill,

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All rules were suspended, in order to put upon is passage, bill

No. 420, A., a bill for an act to provide and appropriate compensation to the officers of the Legislature.

Sen. A. I. Bennett moved to amend by striking out all of section one and inserting the following:

Sec. 1. There is hereby annually appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay the per diem of the officers and employees of the Legislature, as herein after provided, to-wit:

To the Chief Clerk of each House, four dollars per day; to the Assistant Clerk of each house, three dollars per day; to all other clerks, each two dollars and fifty cents per day; to Sergeants-at-Arms, each three dollars per day; to Asst. Sergeants-at-Arms, and Postmasters, each two dollars and fifty cents per day; to Asst. Postmasters, Door-keepers and Firemen, each two dollars per day; and to Messengers, each one dollar and twenty-five cents per day.

The question occurring on the adoption of the amendment,

The ayes and noes were called for,

And the motion was lost—ayes 12, noes 15.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Masters, Taylor, Virgin, and Worthington—12.

Those who voted in the negative were

Senators Decker, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Seeley, Simpson, Stewart and Thurbur—15.

The bill was then ordered to a third reading;

And read.

Senator Gill moved the previous question;

And the motion was sustained.

The question being "shall the main question be now put?"

The previous question was ordered.

Senator Hutchinson asked unanimous consent to amend as follows:

"Insert after the 'clerks,' the following words: 'except as now provided by law;'"

Objection was made.

The question occurring on the passage of the bill,

The ayes and noes were called for;

And the passage was concurred in - ayes 15, noes 11.

Those who voted in the affirmative were

Senators Decker, Egan, Fratt, Gill, Hanchett, Hilgen,

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Hotchkiss, Hutchinson, Maxon, Rodolf, Seeley, Simpson, Stewart, Taylor and Thurbur—15.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Masters, Virgin and Worthington—11.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that on 15th inst. they presented to the Governor for his approval, the following entitled bills, viz:

No. 117, S., a bill for an act to provide for the removal of the county seat of Buffalo county;

No. 114, S., a bill for an act to provide for the purchase of certain copies of Webster's Dictionary for the supply of deficient school districts of the State;

And

No. 221, S., a bill for an act to extend the time for the collection of taxes on the county of Marathon.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assem. Com.*

The committee on Enrolled Bills report that they have examined the following bills and memorials, and find them correctly enrolled, viz:

No. 275, S., a bill for an act to amend the several acts relating to the charter of the city of Watertown;

No. 206, S., a bill for an act to authorize the Bank of Watertown to reduce its capital stock;

No. 135, S., a bill for an act to amend the charter of the Kenosha, Rockford and Rock Island railroad company;

No. 196, S., a bill for an act to appropriate to A. J. Langworthy the sum of $833;

No. 128, S., a bill for an act to define the boundary line between the counties of Green Lake and Marquette;

No. 113, S., a bill for an act to authorize the Secretary of State to credit certain money to the county of Green Lake;

No. 119, S., a bill for an act to authorize John D. Trumble to keep and maintain a ferry across Lake Pepin, in the county of Pierce;

Mem. No. 3, S., for a mail route from the city of Hudson, in St. Croix county, via St. Joseph, Apple River Bridge, Ceylon, Erin Prairie, Boardman and Hammond, to Warren;

Mem. No. 5, S., memorial to the Post Office Department relative to increase of service on mail route 13,069.

GEO. BENNETT, *Ch'n.*

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Sen. Hilgen asked leave of absence till Monday night;
Granted.
Sen. Fratt asked leave of absence till Tuesday night;
Granted.
Sen. Worthington moved that the Senate adjourn till half-past 7 o'clock, this evening;
Sen. Simpson moved to amend the motion so as to make bill No. 277, S., a bill for an act to amend chapter 13 of the Revised Statutes entitled "of counties and county officers;"
The special order for this evening.
Pending which,
On motion of Sen. Hotchkiss;
The Senate adjourned.

SATURDAY, MARCH 17, 9 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Mason.
Roll called and a quorum present.
The reading of the journal of yesterday was dispensed with.

COMMUNICATION FROM SENATOR RODOLF.

MR. PRESIDENT:

I, on yesterday, voted inadvertently for bill No. 301, A., a bill for an act to pay per diem to Mitchell L. Delany, contestant of the seat of Altenhofen, and I wish this explanation to go on the journal of Senate.

C. G. RODOLF.

The Senate ordered the communication to be placed upon the journal.

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LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Comstock:

Mem. No. 138, S., memorial of citizens of Kilbourn City and vicinity, remonstrating against repeal of the Kilbourn City Dam Charter;

To committee on Incorporations.

By Sen. Comstock:

Mem. No. 139, S., memorial of the Wisconsin Hydraulic Company;

To committee on Incorporations.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Maxon:

Jt. Res. No. 18, S.;

Resolved, by the Senate, the Assembly concurring: That the Governor be requested to suspend the survey of the swamp and overflowed lands granted to the State by act of Congress, approved September 28th, 1850, and that the further selections of such lands as lands in lieu thereof shall be made from the field notes of the United States survey.

Sen. Hutchinson objected to the consideration of the resolution to-day;

Sen. Maxon moved to postpone the consideration of the resolution till Tuesday next;

And the motion prevailed.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred:

By Sen. Masters:

No. 313, S., a bill for an act to provide for indexing the journals of the Legislature;

To general file.

By Sen. A. I. Bennett:

No. 314, S., a bill for an act to secure the payment of State tax:

To general file.

Sen. A. I. Bennett moved to suspend all rules in order to put said bill upon its passage;

And the motion prevailed;

Senator Hutchinson moved to postpone the further consideration of the bill till next Tuesday;

Senator Seeley moved to lay the whole matter on the table.

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The ayes and noes were called for, and

The motion prevailed—ayes 13, noes 11.

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Decker, Egan, Gill, Hanchett, Hotchkiss, Hutchinson, Seeley, Simpson, Taylor and Thurbur—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Davis, Masters, Maxon, Rodolf, Stewart, Virgin and Worthington—11.

REPORT.

The committee on Roads, Bridges and Ferries, to whom was referred

No. 79, A., entitled a bill for an act to repeal chapter 508, of the private and local laws of 1856, entitled "an act to amend chapter 330, of the Private and Local Laws of 1855;"

No. 78, A., entitled a bill for an act to repeal chapter 330, of the Private and Local Laws of 1855, entitled "an act to incorporate the Wisconsin River Hydraulic Company;"

No. 78, A., entitled a bill for an act to repeal chapter 270, of the Private and Local Laws of 1853, entitled "an act to authorize certain persons therein named, and their successors, to build and maintain a dam across the Wisconsin River;"

Have instructed me to report the same back and recommend that they be recommitted to the committee on Incorporations, as many of the papers, memorials,&c. in reference to that subject are now in the hands of said committee.

P. B. SIMPSON, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly refuses to concur in the Senate amendment to

No. 76, A., a bill for an act providing for the bringing of suits upon Sheriff's bonds.

I am further directed to present to you for signature

M. C. No. 3, S., for a mail route from the city of Hudson, in St. Croix county, via St. Joseph, Apple River Bridge, Ceylon, Erin Prairie, Boardman and Hammond to Warren;

M. C. No. 4, S., to the Post Office Department, relative to increase of service on mail route 13,069;

No. 113, S., an act to authorize the Secretary of State to credit certain money to the county of Green Lake;

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No. 119, S., an act to authorize John D. Trumble to keep and maintain a ferry across Lake Pepin, in the county of Pierce;

No. 128, S., an act to define the boundary line between the counties of Green Lake and Marquette;

No. 135, S., a bill for an act to amend the charter of the Kenosha, Rockford and Rock Island Railroad Company;

No. 196, S., a bill for an act to appropriate to A. J. Langworthy the sum of $833;

No. 206, S., a bill for an act to authorize the Bank of Watertown to reduce its capital stock;

No. 276, S., a bill for an act to amend the several acts relating to the charter of the city of Watertown;

Which have been signed by the Speaker.

I am further directed to inform you that the Assembly has passed

No. 558, A., a bill for an act to authorize the commissioners of school and university lands to issue certain school land certificates;

And asks the concurrence of the Senate in the same.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 57, S., a bill for an act authorizing the city of Hudson to issue bonds;

I am further directed to present to you for your signature, the following bills which have been signed by the Speaker:

No. 143, A., a bill for an act restoring Levi B. Hanan to citizenship;

No. 278, A., an act to amend section 28, of chapter 132, of the Revised Statutes, entitled "of issues, modes of trial and judgments in civil actions;"

No. 301, A., a bill for an act to appropriate to Mitchell L. Delany the sum of $75;

No. 305, A., a bill for an act to amend an act entitled "an act to incorporate the United States Insurance Company," approved April 3, 1854;

No. 331, A., a bill for an act to authorize the board of supervisors of the county of Oconto, to pay for the construction of the State road from Fort Howard, Brown county, to the Menominee river;

No. 391, A., a bill for an act to appropriate to S. G. Benedict the sum of $12;

No. 392, A., a bill for an act to appropriate to Louis Gootman the sum of $98 86 cents;

No. 408, A., a bill for an act to change the name of Lander, in the county of Grant, to the name of Tafton;

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No. 420, A., a bill for an act to provide and appropriate compensation to the officers of the Legislature;

No. 522, A., a bill for an act authorizing the town of Oakland, to subscribe for fifty shares of the capital stock of the Union Hall Company, and to levy a tax to pay for the same.

Leave of absence till next Tuesday afternoon was granted to Senators Simpson, Worthington, Decker and Seeley.

Leave of absence till next Monday afternoon was granted to Senators Burdick, Rodolf, and Comstock.

Senator A. I. Bennett moved to suspend all rules in order to put upon its passage bill

No. 198, S., a bill for an act to amend an act entitled "an act to provide for disposing of the drainage fund and the distribution of the interest thereof," approved April 30th, 1858;

Pending which,

Senator Worthington moved that the Clerk now call the roll of the Senate, in order to ascertain how many Senators will remain after those this morning excused shall have left their seats;

Pending which,

Senator Virgin moved that the Senate do now adjourn till Monday afternoon at four o'clock.

The ayes and noes were called for, and

The motion was lost—ayes 8, noes 11.

Those who voted in the affirmative were

Senators A. I. Bennett, Burdick, Davis, Decker, Gill, Hotchkiss, Masters and Virgin—8.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Cox, Curtis, Hanchett, Hutchinson, Maxon, Stewart, Taylor, Thurbur and Worthington—11.

The question then occurring on Senator Worthington's motion;

Sen. Virgin moved to lay the motion on the table, and

The motion was lost.

The question recurring on Sen. Worthington's motion;

The motion prevailed.

The roll was called, and the following Senators answered to their names:

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Davis, Decker, Eagan, Gill, Hanchett, Hotchkiss, Hutchinson, Maxon, Stewart, Taylor, Thurbur, Virgin and Worthington—18.

Sen. Curtis moved that the Senate do now adjourn till Monday afternoon at half past three o'clock;

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The ayes and noes were called for, and
The motion prevailed—ayes 10, noes 8.
Those who voted in the affirmative were
Senators A. I. Bennett, Curtis, Davis, Decker, Gill, Hotchkiss, Masters, Maxon, Taylor and Virgin—10.
Those who voted in the negative were
Senators Bartlett, G. Bennett, Cox, Hanchett, Hutchinson, Stewart, Thurbur and Worthington—8.
Senate adjourned till next Monday at half past three P. M.

MONDAY, MARCH 19, 3 1-2 o'clock, P. M.

The Senate met.
The Lieut. Governor in the chair.
Prayer by the Rev. Mr. Mason.
Roll called and quorum present.
Reading of the journal of Saturday dispensed with.

ACCOUNT,

Presented and referred.

By Sen. Hotchkiss:
No. 42, S., account of B. Domschke, for $155;
To committee on Claims.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Bartlett:
No. 316, S., a bill for an act to amend an act, entitled "of the militia and the formation of uniform companies;"
To committee on Militia.

By Sen. Gill:
No. 317, S., a bill for an act for the relief of the "Frontier Bank," and for its removal to Juneau, Dodge county, Wisconsin;
To committe on Banks and Banking.

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By Senator Geo. Bennett:

No. 318, S., a bill for an act to authorize the city of Kenosha to levy a special tax for harbor improvement, and to repeal section 4, of subdivision 6, of chapter 133 of the Private and Local Laws of 1857, entitled "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;"

On motion of Senator G. Bennett,

All rules were suspended, in order to put upon its passage said bill

No. 318, S., and

Also, the following bills

No. 142, S., a bill for an act to amend sec. 1, of chap. 104, of the General Laws of 1859, entitled "an act to enlarge the civil jurisdiction of the county court of La Crosse county;"

With an amendment;

No. 435, A., a bill for an act to amend an act entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same," approved March 25, A. D. 1858, and all acts amendatory of said act;

And

No. 441, A., a bill for an act tc extend the time of collection af taxes in the city of Watertown;

The question occurring on ordering to a third reading said bill

No. 318, S.,

It was so ordered and read.

On the passage of the bill the ayes and noes were required, and

The bill was passed—ayes 18, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Davis, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Seeley, Stewart, Taylor, Thurbur, Virgin and Washburn—18.

None voted in the negative.

The question occurring on concurring in the Assembly amendment to bill

No. 142, S.,

It was concurred in.

The question then occurring on ordering to a third reading said bill

No. 435, A.,

It was so ordered, read, and the passage concurred in.

The question then occurring on ordering to a third reading aid bill

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No. 441, A.,

It was so ordered and read.

The ayes and noes being required on the passage of the bill,

It was passed—ayes 18, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Seeley, Stewart, Taylor, Thurbur, Virgin and Washburn—18.

None voted in the negative.

By Sen. Cox:

No. 319, S., a bill for an act to amend chapter 275, Private and Local Laws of 1857, entitled "an act to incorporate the city of Hudson;"

To committee on Incorporations.

By Sen. Decker:

No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund, in the counties of Kewaunee and Door;

To committee on Public Lands.

By Joint Select committee:

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State Historical Society;"

To general file.

By Sen. Hutchinson:

No. 322, S., a bill for an act for the relief of settlers on State Lands;

To committee on State Affairs.

By Sen. Hutchinson:

No. 323, S., a bill for an act to establish terms of the circuit court in the counties of Crawford and Buffalo in the Sixth Judicial Circuit;

To committee on State Affairs.

By the Judiciary committee:

No. 324, S., a bill for an act to amend section 79, of chapter 133, of Revised Statutes;

On motion of Sen. Virgin,

All rules were suspended,

In order to put upon their passage said bill,

No. 324, S.,

And the following bills:

No. 177, S., a bill for an act to establish a highway therein described;

With an amendment.

No. 278, S., a bill for an act to provide for the redemption

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and conveyance of unredeemed lands in Oconto and Kewaunee counties;

No. 272, S., a bill for an act to provide for the holding of the annual school meeting in school district No. 4, in the town of East Troy;

And

No. 269, S., a bill for an act to provide for the issuing a patent of certain lands to Michael Gleiter;

With an amendment.

The question occurring on ordering to a third reading said bill

No. 324, S.,

It was so ordered, read and passed.

The question occurring on the adoption of the amendment to said bill

No. 177, S.,

It was adopted.

The question then occurring on ordering to a third reading said bill

No. 177, S., as amended,

It was so ordered, read and passed.

The question then occurring on ordering to a third reading said bill

No. 278, S.,

Senator Decker moved to amend the bill as follows:

Amend section 1, by inserting before the word "Oconto," in the first line, the word "Brown," also amend section 3, by inserting before the word "Oconto," in the third line, the word "Brown;"

And the motion prevailed.

The question then occurring on orderi [illegible] a third reading said bill

No. 278, S., as amended;

It was so ordered, read and passed.

The question then occurring on ordering to a third reading said bill

No. 272, S.,

It was so ordered, read and passed.

The question then occurring on adopting the amendment to said bill

No. 269, S.,

It was adopted.

The question then occurring on ordering to a third reading said bill

No. 269, S., as amended

It was so ordered, read and passed.

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On motion of Senator Hotchkiss,

All rules were suspended, in order to put upon their passage the following bills:

No. 164, A., a bill for an act to appropriate to L. E. Saxton the sum of $83;

No. 215, S., a bill for an act to appropriate to James H. Maus $25;

No. 558, A., a bill for an act to authorize the Commissioners of School and University Lands to issue certain school land certificates;

No. 209, S., a bill for an act to amend section 106 of chapter 28, of the Revised Statutes, entitled of the School and University Lands;

And

No 158, S., a bill for an act relating to School, University, Swamp and Overflowed Lands belonging to the State;

The question occurring on ordering to a third reading, said bill,

No. 164, A.;

Sen. Curtis moved to amend the bill by striking out of section 1, "85 dollars," and inserting "92 dollars;"

And the motion was lost.

The question then recurring on ordering to a third reading said bill

No. 164, A.;

It was so ordered and read.

The ayes and noes being required on concurring in the passage of the bill,

Its passage was concurred in—ayes 19, noes none.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Thurbur, Virgin and Washburn—19.

None voted in the negative.

The question then occurring on ordering to a third reading said bill

No. 215, S.,

It was so ordered and read.

The ayes and noes being required on the passage of the bill,

It was passed—ayes 20, noes none.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Thurbur, Virgin and Washburn—20.

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None voted in the negative.

The question then occurring on ordering to a third reading said bill

No. 558, A.,

It was so ordered, read, and the passage concurred in.

The question then occurring on ordering to a third reading said bill

No. 209, S.,

The ayes and noes were called for, and

The bill was so ordered—ayes 13, noes 4.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Cox, Curtis, Decker, Ferguson, Hutchinson, Masters, Maxon, Seeley, Stewart, Taylor and Virgin—13.

Those who voted in the negative, were

Senators Hotchkiss, Rodolf, Thurbur and Washburn—4.

The bill was then read, and the question occurring on the passage of the bill,

The ayes and noes were called for, and

The bill was passed—ayes 14, noes 4.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Cox, Curtis, Decker, Ferguson, Hutchinson, Masters, Maxon, Seeley, Stewart, Taylor, Virgin and Washburn—14.

Those who voted in the negative, were

Senators Burdick, Hotchkiss, Rodolf and Thurbur—4.

The question occurring on ordering to a third reading said bill,

No. 158, S.,

Sen. Maxon moved to postpone the further consideration of the bill till next Wednesday, at 10 o'clock, A. M.

The ayes and noes were called for,

And the motion prevailed—ayes 12, noes 8.

Those who voted in the affirmative were

Senators Cox, Curtis, Decker, Ferguson, Gill, Hotchkiss, Masters, Maxon, Rodolf, Taylor, Thurbur, and Washburn—12.

Those who voted in the negative were:

Senators Bartlett, G. Bennett, Burdick, Hanchett, Hutchinson, Seeley, Stewart and Virgin—8.

Sen. Curtis moved to suspend all rules which interfere with the passage of all such bills as will not be objected to;

Withdrawn.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Hutchinson:
Res. No. 81, S.,

Resolved, That hereafter no Senator shall speak more than once, and not more than five minutes upon any question, bill or resolution before the Senate;

Laid over.

By Sen. Hutchinson:
J. Res. No. 19, S.,

Resolved, by the Senate, the Assembly concurring, That no new business will be received by this Legislature for action after Wednesday, the 21st inst;

Laid over.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that on the 19th inst., they presented to the Governor for his approval the following bills and memorials, viz.

No. 119, S., a bill for an act to authorize John D. Trumble to keep and maintain a ferry across Lake Pepin, in the county of Pierce;

No. 113, S., a bill for an act to authorize the Secretary of State to credit certain money to the county of Green Lake;

No. 128, S., a bill for an act to define the boundary line between the counties of Green Lake and Marquette;

No. 135, S., a bill for an act to amend the charter of the Kenosha, Rockford and Rock Island Railroad Company;

No. 196, S., a bill for an act to appropriate to A. J. Langworthy the sum of $833;

No. 206, S., a bill for an act to authorize the Bank of Watertown to reduce its capital stock;

No. 276, S., a bill for an act to amend the several acts relating to the charter of the city of Watertown;

Mem. No. 3, S., memorial to Congress for a mail route from the city of Hudson, in St. Croix county, via St. Joseph, Apple River Bridge, Ceylon, Erin Prairie, Boardman and Hammond to Warren;

Mem. No. 4, S., memorial to the Post Office Department relating to increase of service on mail route 13,069.

GEO. BENNETT, *Senate Com.*
C. MILLER, *Assembly Com.*

The committee on Enrolled Bills report that they have examined the following bills and memorial and find them correctly enrolled, viz:

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No. 57, S., for an act to authorize the city of Hudson to issue bonds.

No. 180, S., for an act to amend an act entitled "an act to annex certain territory to the town of Hudson."

Mem. No. 5, S., memorial to the Postmaster General for a change in a mail route.

GEO. BENNETT, *Ch'n.*

The committee on Engrossed Bills have examined and compared the following bills, and find the same correctly engrossed:

No. 12, S., a bill for an act to amend chap. 12, of the Rev. Statutes, entitled "of Notaries Public."

No. 115, S., a bill for an act to provide for carrying into effect chap. 210, of the General Laws of 1859, relative to town school libraries.

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases.

C. COMSTOCK, *Ch'n.*

The committee on Agriculture, to whom was referred

No. 275, S., an act to prevent stallions in certain cases from running at large;

Report the same back with amendment, and recommend its passage when so amended.

E. D. MASTERS, *Ch'n.*

The committee on Judiciary to whom was referred

No 245, S., entitled "an act to amend chap. 13, of the Revised Statutes, entitled 'of counties and county officers;'"

Have considered the same, and instructed me to report the same back with amendment, and recommend its passage as amended.

HANCHETT, *Ch'n.*

The special committee to whom was referred

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislature for the year 1860;

Report the same back with a substitute, and the recommendation that the substitute be adopted.

B. E. HUTCHINSON,
N. D. FRATT,
Z. P. BURDICK.

The committee on Judiciary, to whom was referred the claim of John Bonson for witness fees in the case of the State of Wisconsin against ——— ———, in the circuit court of the

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county of LaFayette, being an indictment for murder, have had the same under consideration, and have instructed me to report as follows:

Section 27, of chapter 133, of the Revised Statutes, provides in substance that when prosecutions for violating any law of this State shall fail, or the defendant shall escape, or be unable to pay the fees, the fees shall be paid out of the county treasury.

Under this provision, the uniform practice has been for each county to pay all fees and costs of prosecution, for offences committed within its own limits; the propriety and legality of which seems never to have been questioned until now.

Section 79, of the same chapter, provides "that the clerk of any court at which any witness shall have attended on behalf of the State, in a *civil* or *criminal* action. shall give to such witness a certificate of travel and attendance, which shall entitle him to receive the amount from the *State Treasury*." Both of these sections when construed separately, appear to cover the case under consideration; one providing for payment of costs in criminal cases out of the county treasury, and the other out of the State treasury. But when construed in connection with other sections of the Statutes, it is evident that said section 79, was not intended to apply to ordinary criminal prosecutions, but only to cases in which the State had some interest other than the mere punishment of the offender.

Section 80, of said chapter 133, provides that said section 79, shall extend to all actions and informations brought in the name of the Attorney General, or any other person, for the benefit of the State.

Section 3, of chapter 178, provides that when the venue is changed to any other county, in a criminal case, the costs accruing, &c., shall be paid by the county where the offence was committed.

It is strange that the Legislature should have attempted to express its intentions in language so inconsistent and contradictory, and which has recently lead to much confusion and misconstruction, even by some of the circuit Judges; to avoid which, in the future, your committee have instructed me to report the accompanying bill and recommend its passage. I am also instructed to recommend that said claim be laid on the table.

L. HANCHETT, *Ch'n.*

Senator Virgin asked leave to withdraw the claim;

And leave was granted.

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The Special committee to whom was referred

No. 353, A., a bill for an act to legalize the official acts of Willard T. Chase;

Have had the same under consideration, and report the same back, recommending the passage thereof.

W. R. TAYLOR, *Ch'n.*

The committee on Claims to whom was referred

No. 39, S., a bill for an act to appropriate to D. A. Reed, the sum of $8;

Have had the same under consideration and have instructed me to report it back and recommend that said bill be indefinitely postponed.

Z. P. BURDICK, *Ch'n.*

The joint Standing committee on Printing report back

No. 190, S., a bill for an act to amend chapter 6, of the Revised Statutes, entitled "of the public printing," and of the publication and distribution of statutes and other public documents;

Also,

No. 180, A., a bill for an act to amend section 1, of chapter 178, of the General Laws of 1859, entitled "an act establishing the fees for the publication of the sale of forfeited lands;"

A majority of the committee recommend the passage of the last bill, and do not know the opinion of the minority.

A minority of the committee recommend the passage of the first, and do not know the views of the majority.

The reason for making so indefinite a report is, that the committee has been unable to meet since being called upon to report.

H. W. CURTIS, *Ch'n.*

The joint select committee to whom was referred

J. Res. No. 16, S.,

Adopted on the 7th inst., relative to the State Historical Society, have had the subject matter of said resolution under consideration, and report that they have conferred freely with the officers and managers of the said State Historical Society, and examined the laws heretofore enacted relative to the same, from the date of its corporate existence, and your committee are led to the conclusion that the State has no interest in the effects or property of said Society.

By the act of incorporation in 1853, the said Society was created without any reference to any present or prospective aid from the State in furthering the objects for which it was

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created. In the year 185—, the Legislature extended to the Society its aid, and provided by permanent appropriations for its sustenance, without any conditions except the inhibition contained in section 3, chapter 81, of the Revised Statutes, which provides in substance, that the Society shall not sell or alienate its effects without the consent of the Legislature.

The amount of the appropriations to said Society will be partly seen in the communication of the Secretary of State, in his communications to the Senate on the 24th of January last and to the Assembly on the 12th inst. That communication shows the expenditures for said Society, from the State Treasury, to be $12,613 64, up to Jan. last. In addition thereto, there is to be audited, the printing of the Transactions for the past year, and the salaries and appropriations for the year 1860, a part of which is due. We cannot, under the unsettled constructions of the contract for printing, even estimate the amount that may cost, but it is rumored, and not without some foundation, that the printing may exceed the appropriations above altogether. By a construction, which, it is supposed, has been adopted, the Report and "Transactions" of the Society has been treated as a document within the meaning of sections 19 and 20, of chapter 6, of the Revised Statutes, and the laws amendatory thereto, which require that the annual reports of all officers of the State, required by law to make annual reports, shall be printed by the contractor for the public printing, and seven thousand copies furnished for the use of the State. Section 4, of chapter 81, R. S., also provides for printing 2,000 extra copies of the same. The result of this construction, whether so intended by the Legislature or not, is, that 9,000 copies of the work is published at the expense of the State.

The Legislature may have been excusable in more prosperous times for its great liberality in making these appropriations, but your committee deem it unwise at this time to continue them to the same extent, and the committee are of opinion that some of the appropriations should be entirely suspended; especially that by which the State pays the expenses for the printing of the Report and Transactions of the Society.

It may not be inappropriate to say, that in the opinion of your committee, the objects of the Society are of a worthy character, and that it has been productive of much good in the accomplishment of the ends for which it was created. But that the Society has been fully remunerated for its services rendered in gathering and preserving its various collections, is not susceptible of a doubt.

The Legislature would b derelict in its duty in preserving

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and faithfully expending the revenues of the State if it made any further appropriations to the Society, or on its account, beyond those necessary to keep it in existence, until it shall devise the means of sustaining itself without that of taxation upon the property of the State.

The appropriations made by the Legislature, as per the Secretary of State's report above referred to, for printing the report of the Society for the year 1857, in English a various foreign languages, for the use of the Legislature, amounting to $20,037 99, and the binding the same $500, are not taken into account above, and in the opinion of your committee are not properly chargeable to the Society or its management, but to the Legislature who ordered them. Nevertheless, if the State attempts to sustain the corporation entirely, it will be subject constantly to the same mistakes and extravagant appropriations.

The total expenditure made, as will be found by the Secretary's report, directly and indirectly, from the State Treasury, which would have been avoided if the State had not undertaken to sustain the Society, is as follows, as nearly as we can ascertain:

Appropriations to 1860,.....	$12,613 64
"Collections" for 1857, in English and various foreign languages,	20,037 99
Binding claim,.....	500 00
	$33,151 63

In addition to the above there is to be included the publishing of 9,000 copies of the large book of "Transactions" for the last year, which work has been done, and must be audited; but which, as before stated, cannot be conveniently estimated.

Your committee have, from these considerations, unanimously agreed to report the accompanying bill, and recommend its passage

J. W. STEWART,
STODDARD JUDD,
L. J. FARWELL,
H. B. MUNN,
Joint Committee.

The committee on Roads, Bridges and Ferries, to which was referred

No. 227, A., a bill for an act to lay out a State road from Eau Claire to the mouth of Flambeau river, in Chippewa county;

Have had the same under consideration, and respectfully report the same back with recommendation it do pass.

C. G. RODOLF, *Ch'n pro. tem.*

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The committee on State Prison to whom was referred

No. 279, S., relating to the discipline of convicts in the State Prison;

Have had the same under consideration, and directed me to report it back with the recommend that it be passed.

BARTLETT.

MESSAGE FROM SECRETARY OF STATE.

STATE OF WISCONSIN, SECRETARY'S OFFICE,
Madison, March 17, 1860.

HON. B. G. NOBLE, *President of the Senate:*

SIR:—Replying to Resolution No. 80, of the Senate, I have the honor to submit the following exhibit of the personal property returned to this office by the clerks of the county boards of supervisors for the years named in said resolution, respectively:

1856,.....	$5,524,455 00
1857,.....	6,256,411 00
1858,.....	25,522,577 15
1859,.....	13,607,893 04

Very respectfully,
Your obedient servant,
L. P. HARVEY,
Secretary of State.

Referred to Finance committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Madison, March 17th, 1860.

To the Senate:

The following entitled bills originating in the Senate, have severally received the Executive signature, and have been deposted in the office of the Secretary of State:

No. 116, an act to authorize the Secretary of State to audit the annual appropriation to county agricultural societies;

No. 125, an act to amend an act entitled "an act to incorporate the city of Prescott;"

No. 130, an act to amend an act entitled "an act to incorporate the La Crosse Hydraulic Co.;"

No. 169, S., an act to repeal chapter 132, of the Private and Local Laws of 1856, entitled "an act to authorize the city of Oshkosh, to aid in the construction of a railroad;" also chapter 502, of the Private and Local Laws of 1856, entitled

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"an act to authorize the city of Oshkosh, to aid in the construction of a railroad," approved Oct. 11, 1856; also chapter 138, of the Private and Local Laws, of 1858, entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad;"

No. 175, S., an act relating to the State tax for the county Door;

No. 194, S., an act to incorporate the First Universalist Church of Monroe;

No. 243, an act to authorize the commissioners of school and university lands to remit penalties in certain cases, and to change time for the annual distribution of the school land fund;

No. 114, to provide for the purchase of certain copies of Webster's dictionary, for the supply of deficient school districts of the State;

No. 177, to provide for the removal of the county seat of Buffalo county;

No. 221, to extend the time for the collection of taxes in the county of Marathon;

No. 288, an act to perfect the laying out of a State road from Howard City, in Dane county, to Waterloo, in Jefferson county;

No. 60, an act to authorize the Citizen's Bank, Oshkosh, to remove to Black River Falls, Jackson county;

No. 76, an act to amend an act, approved March 11th, 1859, entitled "an act to amend an act to incorporate the village of Horicon," approved March 29th, 1855;

No. 81, an act to amend an act entitled "an act to incorporate the Yellow River Improvement Company," approved March 2d, 1857;

No. 105, an act to amend chap. 52, of the General Laws of 1859, entitled "an act relating to the Dane county court;"

No. 181, an act to amend chap. 22, of Revised Statutes, entitled "of academies and normal schools;"

No. 27, an act to appropriate to L. P. Harvey, the sum of $446 75;

No. 242, an act concerning testimony and investigation;

No. 257, an act to authorize the holding of a special term of the circuit court, in and for the county of Jefferson.

ALEX. W. RANDALL.

MESSAGE FROM THE ASSEMBLY,

L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to present to you for signature the following bills which have been signed by the Speaker:

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M. C. No. 5, S., memorial to the Postmaster General for a change in a mail route;

No. 57, S., an act authorizing the city of Hudson, to issue bonds;

No. 180, an act to amend an act entitled an act to annex certain territory to the town of Hudson;

No. 273, A., an act to amend the charter of the city of Appleton;

No. 319, A., an act authorizing the Superintendent of Public Property to purchase the Governor's message in foreign languages, and for an appropriation of money for the payment therefor;

No. 365, A., an act to provide for the incorporation of benevolent, charitable, scientific and literary societies.

ASSEMBLY MESSAGE CONSIDERED.

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

Senate receded from its amendment.

No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

Was read the first and second times and

Referred to committee on Banks and Banking.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and and passed:

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases;

The ayes and noes were called for, and

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn —19.

None voted in the negative.

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled "of notaries public."

No. 115, S., a bill for an act to provide for carrying into effect chapter 210, of the General Laws of 1859, relative to town school libraries.

Was, on motion of Senator Hutchinson, postponed till Wednesday next.

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REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 108, A., a bill for an act to amend chapter 143, of the Revised Statutes, entitled of strays and lost money and goods;

Was indefinitely postponed.

No. 90, S., a bill for an act to prescribe the manner of letting and executing the public printing and binding, and to direct the mode of settling accounts for the same;

Was, on motion of Sen. Rodolf,

Laid on the table.

No. 109, S., a bill for sn act to appropriate to S. D. Carpenter a sum of money therein named;

Was, upon motion of Sen. Hotchkiss,

Laid upon the table.

No. 235, S., a bill for an act to amend chapter 71, of the Revised Statutes, entitled "of the incorporation of banking associations;"

Was, on motion of Sen. Virgin,

Postponed till next Thursday.

On motion of Sen. Gill,

Senate adjourned till 7 o'clock this evening.

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7 o'clock P. M.

Senate met.

No quorum present.

On motion of Senator Gill,

Senate adjourned till half past seven this evening.

---

7 1-12 o'clock, P. M.

Senate met.

Roll called.

Quorum present.

Senator Hotchkiss moved to suspend all rules in order to put upon their passage all appropriation bills and all bills for the reduction of the capital stock of banks, except such as may be objected to on account of eliciting debate, and

The motion prevailed.

The following bills were then ordered to a third reading and read.

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No. 310, S., a bill for an act to appropriate to Wm. Hawley, the sum of $42;

The ayes and noes being required,

The bill passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 464, A., a bill for an act to appropriate to Muldoon & Crampton, the sum of $77 15;

The ayes and noes being required,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 308, S., a bill for an act to appropriate to Wm. J. Gill the sum of $42;

The ayes and noes being required,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 307, S., a bill for an act to appropriate to Thomas Knudson, the sum of $38;

The ayes and noes being required,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 306, S., a bill for an act to appropriate to Thomas Gill, the sum of $30;

The ayes and noes being required,

The bill was passed—ayes 19, noes none.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Deck-

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er, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Wsshburn -19.

None voted in the negative.

No. 309, S., a bill for an act to appropriate to Francis Henwood the sum of $30;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotckiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 263, A., a bill for an act to reduce the capital stock of the Walworth County Bank;

Was ordered to a third reading, and read;

The ayes and noes being required on concurring in the passage of the bill,

The passage was concurred in—ayes 14, noes 2.

Those who voted in the affirmative were

Senators Bartlett, Burdick, Curtis, Decker, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Taylor, Virgin and Washburn—14.

Those who voted in the negative were

Senators G. Bennett and Stewart—2.

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No. 363, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital stock;

Was ordered to a third reading, and read;

The ayes and noes being required on concurring in the passage of the bill,

The passage was concurred in—ayes 15, noes 2.

Those who voted in the affirmative were

Senators Bartlett, Burdick, Curtis, Decker, Ferguson, Gill, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Taylyr, Virgin and Washburn—15.

Those who voted in the negative were

Senators Cox and Stewart—2 .

No. 263, S., a bill for an act to appropriate to Wm. Edgar the sum of $15 25 ;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 265, S., a bill for an act to appropriate to S. S. Keyes the sum of $23 ;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 411, A., a bill for an act to appropriate to Thomas McFarland the sum of $81 75 ;

The ayes and noes being required,

The bill was passed—ayes 19, noes 0.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Taylor, Virgin and Washburn—19.

None voted in the negative.

No. 433, A., a bill for an act to appropriate to G. D. Norris the sum of $122 45;

Was ordered to a third reading, and read.

The ayes and noes being required on concurring in the passage of the bill,

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The passage was concurred in—ayes 16, noes 3.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Decker, Ferguson, Gill, Hanchett, Hotchkiss, Hutchinson, Maxon, Stewart, Taylor, Virgin and Washburn—16.

Those who voted in the negative, were

Senators Masters, Rodolf and Seeley—3.

No. 432, A a bill for an act to appropriate to Milo Coles the sum of $50 98;

Was ordered to a third reading, and read.

The ayes and noes being required on concurring in the passage of the bill,

The passage was concurred in—ayes 12, noes 7.

Those who voted in the affirmative, were

Senators G. Bennett, Cox, Curtis, Decker, Ferguson, Gill, Hotchkiss, Maxon, Rodolf, Seeley, Taylor and Virgin—12.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, Burdick, Hutchinson, Masters, Stewart and Washburn—7.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to inform you that the Assembly has passed

No 139, A., a bill for an act to provide for the reassessment of certain taxes in the city of Milwaukee for the years 1856 and 1857;

No. 259, A., a bill for an act to incorporate the Fort Howard and Appleton Railroad Company;

No 421, A., a bill for an act to provide for the laying out of a State road from the village of Kiel, in Manitowoc county, to the town of Calumet, in Fond du Lac county;

No. 438, A., a bill for an act to amend section 88, of chapter 134, Revised Statutes, entitled "of executions and proceedings supplementary thereto;"

No. 484, A., a bill for an act relating to the assessment and and collection of taxes on School and University and Swamp Lands, and of all lands mortgaged to the State;

No. 422, A., a bill for an act to incorporate the village of Wausau;

No. 445, A., a bill for an act to provide for the disposal and expenditure of the drainage fund moneys in Oconto county;

No 452, A., a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi railroad;

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No. 462, A., a bill for an act authorizing the town clerk of the town of Port Washington to convey real estate;

No 492, A., a bill to amend chapter 181, of the General Laws of 1859, entitled "an act concerning the amendment of pleadings;"

No. 498, A., a bill for an act conferring certain powers upon the board of supervisors of the county of Green Lake;

No. 455, A., a bill for an act to change the name of Sarah McCabe to Sarah Kate Graves;

No. 506, A., A bil for an act to provide for the expenditure of the drainage fund moneys in the county of Trempeleau;

No 508, A., a bill for an act to legalize certain State roads therein named;

No. 517, A., a bill for an act to provide for the punishment of persons having in their possession counterfeit coin, with intent to pass the same as false;

No. 531, A., a bill for an act to authorize the borough of Fort Howard to issue bonds to aid in the construction of a railroad from Fort Howard to Appleton;

No. 533, A., a bill for an act relating to the assessment of taxes;

No. 537, A., a bill for an act to amend chapter 226, of the Private and Local Laws of 1858, entitled "an act to incorporate the village of Kingston," approved May 8th, 1858;

No. 541, A., a bill for an act to change the name of Martha Pherm, and to establish her guardianship and heirship;

No. 548, A., a bill for an act to repeal an act conferring civil jurisdiction on the county court of Monroe county, approved March 11th, 1859;

No. 549, A., a bill for an act to authorize the trustees of the village of Sparta, to renew the warrant for the collection of unpaid taxes of said village;

No. 551, A., a bill for an act to lay out a State road from Juneau county, to Portage county;

No. 552, A., a bill for an act providing for an income of highway tax in the county of Richland;

No. 562, A., a bill to amend an act entitled "an act to define, confirm and legalize the acts of a Fish Inspector, in the city of Milwaukee;"

No. 569, A., a bill for an act to incorporate the Milwaukee Mutual Laborers' Relief Society;

No. 574, A., a bill for an act to amend an act entitled "an act to incorporate the city of Ripon," approved March 20th, 1858;

No. 575, A., a bill for an act to vacate a certain street in the village of Waukau;

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J. Res. No. 31, A.,
Amending joint rule, No. 19, of the Senate and Assembly;
J. Res. No. 32, A.,
In relation to the homestead bill in Congress;
And asks the cocurrence of the Senate in the same.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 47, S., a bill for an act to incorporate the Green Bay gas light company;

No. 50, S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

No. 85, S., a bill for an act to regulate and license the keeping of dogs;

No. 150, S., a bill for an act to amend sections 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed of the proof and recording of conveyances and the cancelling of mortgages;"

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled "an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;"

No. 225, S., a bill for an act to amend chapter 245, of the Private and Local Laws of 1857, entitled "entitled an act to incorporate the village of Black Earth;

No. 232, S., a bill for an act to amend section 2, chapter 140, Revised Statutes, entitled "of miscellaneous proceedings in civil actions and general provisions;"

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German, "Der Turn Verein;"

No. 268, S., a bill for an act to amend an act entitled an act to amend act entitled an act to consolidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof;

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Asst. Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has amended and concurred in as amended, the following bills:

No. 273, S., a bill for an act regulating railroads;

No. 274, S., an act exempting certain property therein named from taxation.

I am also directed to inform you that the Assembly has refused to concur in the passage of

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No. 99, S., a bill for an act to incorporate the La Crosse Valley Seminary.

I am further directed to inform you that the Assembly has concurred in Senate amendments to the following bills:

No. 33, A., a bill for an act to lay out a State road from Stevens Point to Eau Claire;

No. 214, A., a bill for an act to amend sections 1 and 2, of chap. 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf of the State;"

No. 238, A., a bill for an act relating to the support of the poor in counties where the distinction between county and town poor exists;

No. 284, A., a bill for an act to establish the name of Ellie Metcalf;

No. 358, A., a bill to repeal chapter 46, of the Gen. Laws of 1860, entitled "an act to extend the time for collection of taxes in the town of Freedom, in the county of Outagamie;

And further, that the Assembly has concurred in the Senate amendments to sections 1, 2, 13 and 23, and the 1st proposed amendment to section 18 of

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county;

And has non-concurred in all other amendments.

I am further directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 40. A., a bill for an act to extend the time of payment of principal upon school and university land certificates;

No. 232, A., a bill for an act to amend chapter 109, title 21, of the Revised Statutes, entitled "of marriages," and to repeal chapter 110, of the Revised Statutes, entitled "of the registration of marriages, births, and deaths;"

No. 303, A., a bill for an act to enable the city of Fond du Lac to settle with its bond holders;

No. 368, A., a bill for an act to facilitate the collection of judgments;

No. 382, A., a bill for an act to provide for the expenditure of the Drainage Fund moneys in the county of Marathon;

No. 385, A., a bill for an act to authorize the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river in said county;

No. 424, A., a bill for an act to amend chapter 25, of the Revised Statutes, entitled "of the publication of legal decisions;"

No. 426, A., a bill for an act to amend section 21, of chapter 134, Revised Statutes, entitled "of executions, and proceedings supplemental thereto;"

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No. 429, A., a bill for an act to amend an act to incorporate the city of Sheboygan, and the several acts amendatory thereof;

No. 444, A., a bill for an act to incorporate the Tyrone Lake Canal Company;

No. 446, A., a bill for an act for the protection of orchards and fruit trees;

No. 456, A., a bill for an act to authorize commissioners to vacate a certain Territorial road in the county of Waukesha;

And,

No. 461, A., a bill for an act to authorize the city of Milwaukee to construct and maintain certain bridges;

Also,

No. 440, A., a bill for an act to to provide for the payment of money to the Waupaca County Agricultural Society for the year 1856;

No. 450, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 253, A., a bill for an act to amend chap. 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

No. 351, A., a bill to amend an act entitled "an act to incorporate the Green Bay, Milwaukee and Chicago Railroad Company," approved March 13, 1851, and the acts amendatory thereto;

No. 355, A., a bill for an act to authorize the Corn Planter's Bank of Waupaca, to reduce its capital and remove its place of business;

No. 458, A., a bill for an act to provide for the exemption of insurance money on homesteads;

No. 459, A., a bill for an act to amend sec. 37, of chap. 132, of the Rev. Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

No. 472, A., a bill for an act to change the corporate name of the Plymouth Congregational Society in the city of Fond du Lac;

No. 497, A., a bill for an act to constitute Shawanaw county a part of the tenth judicial circuit, and to fix the terms of court therein;

No. 509, A., a bill for an act to amend chap. 22, of the Gen. Laws of 1859, relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;

No. 514, A., a bill for an act to authorize the construction of a bridge across Fox River, at Wright's Ferry, in Wrightstown, Brown county;

No. 525, A., a bill for an act to authorize the city of Milwaukee, to construct a certain bridge;

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No. 489, A., a bill for an act to appropriate to Moseley and Brother the sum of $217 98;

No. 528, A., a bill for an act to appropriate to H. Bingham the sum of $80;

No. 543, A., a bill for an act to appropriate to A. G. Darwin the sum of $257 56;

No. 561, A., a bill for an act to extend the time for publication and sale of unredeemed lands, in the counties of Eau Claire and Chippewa;

No. 490, A., a bill for an act for the relief of the Reedsburgh Bank.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1859, entitled railroads;

No. 179, S., a bill for an act to reduce the capital stock of the Clark County Bank;

No. 183, S., a bill to promote the construction of horse railways in the city of La Crosse;

No. 230, S., a bill for an act to authorize school district No. 1, of the town of Jefferson, to a raise tax to build a school house;

No. 231, S., a bill for an act to amend chap. 193, of the Private and Local Laws of the year 1859, entitled "an act to incorporate the village of Oconto;"

No. 238, S., a bill for an act authorizing the German Evangelic Lutheran Society, of the village of Manitowoc, to reorganize and to change their corporate name, and to legalize the acts of said society;

No. 139, S., a bill for an act relating to the duties of register of deeds;

No. 193, S., a bill for an act to amend chapter 30, of the Private and Local Laws of Wisconsin, for the year 1859, entitled "an act to amend an act to incorporate the village of Waukesha;"

No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed

No. 447, A., a bill for an act to amend chapter 2, of the Revised Statutes, entitled "of the division of the State into counties, and their boundaries;"

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No. 525, A., a bill for an act to authorize the city of Milwaukee to construct a certain bridge;

J. Res. No. 4, A., objecting to any change in the naturalization laws;

And asks the concurrence of the Senate in the same.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred:

Nos. 492, 517, 562, 458, 541, 459, 497, 368, 303, 426 and 438, A.,

To Judiciary committee.

Nos. 506, 445 and 382, A.,

To committee on Public Lands.

Nos. 569, 537, 422, 574, 429 and 444, A.,

To committee on Incorporations.

Nos. 548, 543, 528, 455, 498, 489, 232, 561, 440 and 385, A.,

To general file.

Nos. 549, 552, 509, 253, 484, 139, 533, 40 and 450, A.,

To committee on Finance.

Nos. 508, 551, 531, 525, 421, 456 and 461, A.,

To committee on Roads, Bridges and Ferries.

Nos. 355 and 490, A.,

To committee on Banks and Banking.

Nos. 351 and 259, A.,

To committee on Railroads.

Nos. 447 and 575, A.,

To committee on Town and County Organization.

No. 514, A.,

To Senators Decker, Hutchinson and Masters.

No. 472, A.,

To committee on Benevolent Institutions.

No. 424, A.,

To Printing committee.

No. 446. A.,

To committee on Agriculture.

J. Res. Nos. 4 and 31 A.,

Were referred to general file.

J. Res. No. 32, A.,

Was referred to the committee on Federal Relations.

Nos. 99, 273, and 274, S., and 291, A.,

Were referred to general file.

Sen. Rodolf moved to suspend all rules in order to put upon their passage all bills in the general file which will not elicit debate;

Withdrawn.

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On motion of Sen. Rodolf,
The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file ;
Sen. Hutchinson in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again ;

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same :

No. 198, S., a bill for an act to amend an act entitled "an act to provide for disposing of the drainage fund, and the distribution of the interest thereof," approved April 30th, 1858 ;

With the recommendation that it do pass.

No. 227, S., a bill for an act to amend chap. 13, of the Rev. Statutes, entitled "of counties and county officers ;"

No. 312, A., a bill for an act for the preservation of game;

With amendments, and the recommendation to pass when so amended.

No. 93, S., a bill for an act regulating the publishing of legal advertisements ;

With the recommendation of indefinite postponement.

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150 ;

With the recommendation of reference to committee on Claims.

No. 211, S., a bill for an act to provide for the letting of the public printing contract, and to establish maximum prices for the execution thereof;

With the recommendation that it be made the special order for to-morrow.

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections;

With the recommendation that it be referred to a special committee.

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

No. 201, S., was referred to Senators Maxon, Burdick and Decker.

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BILLS INTRODUCED ON LEAVE.

Read first and second times and referred.

By Sen. Gill:

No. 325, S., a bill for an act to amend "an act in relation to public schools in the city of Watertown," and to repeal the act amendatory thereof;

To general file.

On motion of Sen. Rodolf,

The Senate adjourned.

TUESDAY, MARCH 20th, 9 o'clock, A. M.

Senate met.

Lieutenant Governor in the chair.

Prayer by the Rev. Mr. Mason.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Cox:

Res. No. 82, S.,

Resolved, That the Sergeant-at-Arms be and he is hereby directed to distribute to the President of the Senate, Chief Clerk, Sergeant-at Arms, and each Senator five dollars in postage stamps, to wit: four dollars in penny stamps, and one dollar in three cent stamps;

Adopted.

By Sen. Rodolf:

Res. No. 83, S.,

Resolved, by the Senate, that the Investigating committee be required to report to the Senate how many clerks they employ, as also the names of the clerks employed;

Adopted.

Res. No. 81, S.,

Resolved, That hereafter no Senator shall speak more than five minutes upon any question, bill or resolution before the Senate;

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Which was introduced yesterday and laid over,
Was, on motion of Sen. Virgin,
Laid on the table.

Jt. Res. No. 19, S.,

Resolved, by the Senate, the Assembly concurring, That no new business will be received by this Legislature for action after Wednesday, the 21st inst.;

Which was introduced yesterday and laid over;
Was taken up, and
The Senate refused to adopt.

Jt. Res. No. 18, S.;

Resolved, by the Senate, the Assembly concurring, That the Governor be requested to suspend the survey of the swamp and overflowed lands granted to the State by act of Congress, approved September 28th, 1850, and that the further selections of such lands or lands in lieu thereof shall be made from the field notes of the United States survey;

Which was introduced on Saturday last and postponed till to-day,
Was taken up.

Sen. Hutchinson moved to strike out all of said resolution after the figures "1850;"

The ayes and noes were called for;
And the motion prevailed—ayes 13, noes 9.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hutchinson, Masters, Rodolf, Seeley, Virgin, and Worthington—13.
Those who voted in the negative were
Senators Decker, Eagan, Ferguson, Gill, Hilgen, Hotchkiss, Maxon, Taylor and Washburn—9.

The question then occurring on the adoption of the resolution as amended;
It was adopted.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Decker:

No. 140, S., petition of George Schauer and 62 others, for the organization of a new town;
To committee on Town and County Organization.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report, that on the 19th inst., they presented to the Governor the following bills for his approval, viz:

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No. 180, S., a bill for an act to amend an act entitled "an act to annex certain territory to the town of Hudson;

No. 365, A., a bill for an act to provide for the incorporation of benevolent, charitable scientific, and literary, societies;

No. 273, A., a bill for an act to amend the charter of the city of Appleton;

No. 57, S., a bill for an act to authorize the city of Hudson to issue bonds;

No. 319, A., a bill for an act authorizing the Superintendent of Public Property to purchase the Governor's message in foreign languages, and for an appropriation of money for the payment therefor;

Mem. No. 5, S., a memorial to the Post Master General for a change in a mail route.

GEO. BENNETT, *Sen. Com.*
C. MILLER, *Ass. Com.*

The committee on Roads, Bridges and Ferries, to whom was referred

No. 525, A., a bill for an act to authorize the city of Milwaukee to construct a certain bridge;

Also,

No. 461, A., a bill for an act to authorize the city of Milwaukee to construct and maintain certain bridges;

Report the same back and recommend that they be referred to the Senators from Milwaukee county.

G. W. WASHBURN,
C. T. RODOLF,

Said bills were referred to Sen. Comstock and Egan.

The committee on Incorporations to whom was referred

No. 537, A., a bill for an act to amend chapter 226, of the Private and Local Laws of 1558, entitled "an act to incorporate the village of Kingston, approved May 8, 1858;"

And

No. 574, A., entitled a bill for an act to amend an act entitled an act to incorporate the city of Ripon, approved March 20, 1858;

Have had the same under consideration and have instructed me to report the same back to the Senate, and recommend their passage.

M. W. SEELEY, *Ch'n.*

The committee on the Public Lands to whom was referred

No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund in the counties of Kewaunee and Door;

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Have had the same under consideration, and herewith report the same back and recommend its passage.

STEWART,
DECKER,
COX,
Committee.

The committee to whom was referred

No. 514, A., a bill for an act to authorize the construction of a bridge across Fox river, at Wright's ferry, in Wrightstown, Brown county;

Have had the same under consideration, and herewith report the same back and recommend its passage.

DECKER,
HUTCHINSON,
MASTERS,
Committee.

The committee on Finance to whom was referred Assembly bill

No. 253, A., entitled a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of the assessment on collection of taxes;"

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Printing to whom was referred

No. 424, A., a bill for an act to amend chapter 25, of the Revised Statutes, entitled "of the publication of legal decisions;"

Have considered the same and recommend me to report it back with a recommendation that it do pass.

H. W. CURTIS, *Ch'n.*

The committee on Federal Relations, to whom was referred J. Res. No. 32, A.,

In relation to the Homestead bill in Congress.

Have instucted me to report the same back and recommend their passage.

H. W. CURTIS, *Ch'n.*

The committee on Enrolled Bills report that they have examined bill

No. 179, S., entitled a bill for an act to reduce the capital stock of the Clark County Bank;

And find it correctly enrolled.

GEO. BENNETT, *Ch'n.*

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ASSEMBLY MESSAGE CONSIDERED.

No. 273, S., a bill for an act regulating Railroads;
And
No. 274, S., a bill for an act exempting certain property therein named from taxation;
Which were each amended by the Assembly;
Were taken up and the amendments concurred in.
No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county;
With amendments adopted by the Senate;
In which the Assembly refused to concur.
The question being, "shall the Senate recede from its amendments?"
The Senate refused to recede.
No 147, S., a bill for an act entitled "an act to consolidate and amend the act to incorporate the city of Oshkosh," and the several acts amendatory thereto;
And
No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;
With amendments adopted by the Assembly.
The question being on concurring in the adoption of the amendments,
They were concurred in.

REPORT OF THE COMMITTEE OF THE WHOLE

Considered.
No. 198, S., a bill for an act to amend an act entitled "an act to provide for disposing of the drainage fund and the distribution of the interest thereof," approved April 30th, 1858;
Was ordered engrossed for a third reading.
No. 312, A., a bill for an act for the preservation of game;
With amendments;
Amendments rejected,
And bill ordered to a third reading.
No. 227, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"
With amendments;
The amendments were adopted,
And the bill as amended, was ordered engrossed for a third reading.
No. 96, S., a bill for an act to appropriate to Charles R. Gill, the sum of $150;
Referred to committee on Claims.

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No. 93, S., a bill for an act regulating the publishing of legal advertisements;

Was indefinitely postponed.

On motion of Sen. Hotchkiss;

The following bills were made the special order for this afternoon, at 4 o'clock:

No. 211, S., a bill for an act to provide for the letting of the public printing contract, and to establish maximum prices for the execution thereof;

No. 251, S., a bill for an act to define and adjust certain portions of the contract for the public printing;

And,

No. 252, S., a bill for an act to provide for the payment of the sum of the sum of money therein named to Andrew Proudfit, assignee of Calkins and Webb, being the amount due for the payment of assessment blanks and forms furnished by the Secretary of State to the several counties;

On motion of Senator Seeley,

All rules were suspended in order to put upon their passage the following bills:

No. 325, S., a bill for an act to amend "an act in relation to public schools in the city of Watertown," and to repeal the act amendatory thereof;

No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;

No. 385, A., a bill for an act to authorize the county of Eau Claire, to keep and maintain a free ferry across the Chippewa river in said county;

No. 246, S., a bill for an act to revive the Rock Lake Cemetery Association;

No. 548, A., a bill for an act to repeal an act conferring civil jurisdiction on the county court of Monroe county, approved March 11, 1859;

No. 561, A., a bill for an act to extend the time for publication and sale of unredeemed lands in the counties of Eau Claire and Chippewa;

No. 574, A., a bill for an act to amend an act entitled "an act to incorporate the city of Ripon," approved March 20th, 1858;

No. 549, A., a bill for an act to authorize the trustees of the village of Sparta to renew the warrant for the collection of unpaid taxes of said village.

No. 498, A., a bill for an act conferring certain powers upon the board of supervisors of the county of Green Lake;

No. 370, A., a bill for an act to incorporate the Thiensville fire engine company;

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On motion of Sen. Maxon,
Said bill
No. 370, A.,
Was recommitted to the committee on Incorporations.
Said bills
Nos. 498, 574, 561, 548 and 385, A.,
Were severally ordered to a third reading, read, and the passage concurred in.
Said bills
Nos. 325, 237 and 246, S.,
Were severally ordered to a third reading, read, and passed.
Said bill
No. 549, A.,
Was ordered to a third reading and read.
The question occurring on the passage of the bill,
The ayes and noes being required,
The bill was passed—ayes 19, noes 1.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Decker, Egan, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Rodolf, Seeley, Stewart, Virgin and Washburn—19.
Senator Taylor voted in the negative.
On motion of Senator Maxon,
All rules were suspended, in order to put upon their passage the following bills:
No. 240, S., a bill for an act to organize the county of Door for judicial purposes;
No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund, in the counties of Kewaunee and Door;
No. 202, S., a bill for an act concerning a bridge pier at Kewaunee;
No. 443, A., a bill for an act to incorporate the Mequon Farmer's Mutual Insurance Company;
No. 253, a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"
Said bills
Nos. 230 and 202, S.,
Were ordered to a third reading, read and passed.
Said bill
No. 443, A.,
Was ordered to a third reading, read and
Passage concurred in.
The question occurring on ordering to a third reading said bill No. 240, S.,

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Sen. Decker moved to amend the bill by filling the blank in the last line of section 2, by the words "first Monday in October in each year;" and further to amend by filling the blank in section 4, by the words "first of January;" and further to amend by striking out section 6;

And the motion prevailed.

The bill as amended was then ordered to a third reading, read and passed.

Said bill

No. 253, A.,

Was ordered to a third reading, and read.

On the passage of the bill,

The ayes and noes being required,

The passage was concurred in—ayes 14, noes 5.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Cox, Curtis, Decker, Hanchett, Hutchinson, Masters, Rodolf, Stewart, Taylor, Washburn and Worthington—14.

Those who voted in the negative were

Senators Comstock, Gill, Hilgen, Maxon and Virgin—5.

MESSAGE FROM THE ASSEMBLY

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 460, A., a bill for an act legalizing a State road therein named;

No. 584, A., a bill for an act to extend the time for the collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature

No. 335, A., a bill for an act to enable the corporation of the village of Sparta to construct side-walks, and otherwise improve the streets of said village;

No. 342, A., a bill for an act to authorize the city of Portage to maintain a levee;

No. 179, S., a bill for an act to reduce the capital stock of the Clark County Bank;

Which have been signed by the Speaker.

I am also directed to inform you that the Assembly has refused to concur in the Senate amendments to

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

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Also to

No. 174, A., a bill for an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others."

COMMUNICATION,

STATE TREASURER'S OFFICE,
MADISON, March 20th, 1860.

HON. BUTLER G. NOBLE, *Lieut. Gov. and President of the Senate:*

SIR:—In response to the resolution of the Senate, passed on the 16th, inst., asking information as to the amount of State tax remaining unpaid, &c.; I have the honor to lay before you the accompanying statement.

The first column shows the amount due, to the State by the several counties respectively, on the last day of December, 1857; the second column shows the amount due on the last day of December, 1858; and the third column shows the amount due on the last day of December, 1859. The fourth column shows the amount of the State tax of 1859; the fifth, the amount received from the several counties since the first day of January, 1860, and the sixth, the balance due on this 20th day of March, 1860. The seventh column shows the amount to which the different counties are entitled to credit for returned taxes on State lands, as provided by section 1, of chapter 24, of the General Laws of 1859.

But a very small proportion of these taxes have been collected, and consequently no exchange of receipts can be made with the county treasurer any further than there is money in the treasury from some source, to represent the amount receipted for.

In addition to the amounts set forth in the seventh column, to which the different counties named are entitled to credit under the provisions of section 1, of said chapter 24, of the General Laws of 1859, returns have been made to this office, under the provisions of section 4, of said chapter 24, from the treasurers of the counties of Jackson, Outagamie, Portage, Richland and Waupaca.

Affidavits have been filed by the treasurers of the counties named, showing the amount of delinquent taxes for the year 1859, on State lands, in their respective counties, to be as follows:

Jackson,	$2,694 81
Outagamie,	7,956 01
Portage,	2,982 05
Richland,	1,707 11
Waupaca,	4,072 47

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Making an aggregate of $19,422 45, in the five counties named, which amount would be a valid offset against an equal amount of the indebtedness of said counties to the State, provided they were thus largely indebted, and not being thus largely indebted, the counties become creditors to the State to the amount of the difference. A final settlement with the counties will doubtless reduce the aggregate amount of these returned taxes on State lands.

Very respectfully,

Your ob't servant,

SAMUEL D. HASTINGS, *State Treas.*

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Statement of the Amonnt due and unpaid from the several Counties of this State, at the close of the years 1857, 1858 *and* 1859—*amount of State Tax for* 1859—*amount received into the Treasury from said counties since January* 1*st*, 1860, *with balance now due—together with amount of delinquent Taxes returned to the State Treasurer for the year* 1858, *not credited on the books of the State Treasurer, for the reasons given below.*

Counties.	Dec. 31, 1857.	Dec. 31, 1858.	Dec. 31, 1859.	State Tax of 1859.	Amount paid since Jan. 1, 1860.	Balance due March 20th, 1860.	Delinquent Tax of 1858, unpaid.	Remarks.	Payable from Swamp Land Fund.*
Adams,	336 28	170 62	225 62	1,285 41	* 880 06	689 03	548 68	*$58 06, fines & suit tax	$548 68
Bad Ax,	27 00	26 00	.....	1,944 95	* 2,097 36	.....	.....	*$152 41,..do ..do	
Brown,	60 00	75 00	1,267 73	3,802 59	* 3,745 46	1,357 86	32 59	*$33 00, suit tax,	32 59
Buffalo,	21 00	32 00	11 50	740 18	* 756 18	.....	436 40	*$16 00,....do	436 40
Burnett,	.....	.....	.....	.....	.....	.....	.....	.....	
Calumet,	12 00	9 00	44 60	1,891 07	* 1,959 39	.....	746 19	*$24 32,....do	746 19
Chippewa,	3,008 38	551 40	867 29	825 72	1,329 11	363 90	167 93	.....	167 93
Clarke,	382 50	1,055 48	860 29	898 53	953 50	806 32	18 06	*$1 00.....do	18 06
Columbia,	210 00	225 00	237 00	6,850 67	2,466 07	4,676 60	.....	a$55 00.....do	
Crawford,	75 00	79 03	.....	1,948 21	188 94	* 1,765 27	16 27	*$5, suit tax $5	16 27
Dane,	471 00	6,504 58	7,889 10	17,160 92	19,303 34	* 5,887 68	283 66	*$141, suit tax,	285 66
Dodge,	299 00	3,285 29	1,170 55	11,361 09	10,721 45	* 1,862 19	.....	*$52....do	
Door,	927 50	960 69	1,056 86	773 54	878 73	1,451 67	997 49	b$927 50, cancelled,	997 49
Douglass,	.....	.....	760 42	979 37	726 40	1,013 39	.....	.....	
Dunn,	1,203 00	.....	11 61	770 49	770 50	* 14 60	100 96	*$3 suit tax, $11 60, old bal.	100 96
Eau Claire,	.....	100 00	.....	985 49	1,355 04	.....	122 66	bal. ref'd on delqt. tax,	122 66
Fond du Lac,	289 00	213 00	442 18	10,294 23	10,294 23	* 486 18	80 75	*$44 00 suit tax,	80 75
Grant,	194 00	68 00	243 00	9,803 98	10,304 20	.....	.....	bal. suit tax and fines $72	4 49
Green,	.....	33 00	108 00	6,883 66	6,991 66	* 50 00	.....	*$50 00, suit tax,	
Green Lake,	.....	24 00	154 00	2,986 43	2,828 04	* 389 67	160 13	*bal suit tax $42, fines $35 28,	160 13

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Iowa,.....	59 00	75 00	128 25	5,489 12	4,764 86	810 71	.....	bal. suit tax and fines $15.....
Jackson,....	443 00	1,029 00	1,027 20	997 91	870 83	* 1,197 28	451 59	*$43, suit tax,..... .. 451 59
Jefferson,...	250 00	865 00	1,913 31	7,627 65	9,260 00	* 389 96	76 77	*$49, suit tax,..... 37 48
Juneau,.....	.....	62 80	88 00	1,865 78	746 83	* 1,240 67	1,035 27	*$33 72, fines and suit tax $20,... 1,035 27
Kewaunee,..	1,577 12	1,443 49	.....	950 50	.....	950 50	1,337 38	c
Kenosha,....	133 17	135 17	309 00	5,317 10	4,642 00	* 1,034 10	12 42	*$50, suit tax $50,—$12 42 not called for,
La Crosse,...	23 00	65 00	23 00	4,062 00	2,920 01	* 1,218 48	10 53	*$43 50..do and fines $29,..... 10 53
La Fayette,..	409 37	461 63	1,752 00	5,215 31	4,932 55	* 2,051 76	.....	*$17 00..do.....
La Pointe,...	200 00	400 00	363 56	345 63	25 00	685 19	284 92	$1 00.....do.....No returns.
Manitowoc, .	1,234 88	3,561 20	9,008 72	3,591 84	.....	*12,616 56	.....	d*$16 00.do.....
Marathon,...	1,877 38	2,627 38	17 00	2,087 71	327 30	* 1,785 41	.....	*$8 00...do..... ..
Marquette,..	100 00	934 17	1,247 12	951 38	908 03	* 1,304 47	266 42	*$14 00..do..... .... 266 42
Milwaukee, .	4,285 79	3,263 52	3,263 52	23,808 64	15,864 33	*11,568 83	....	*$361 00.do.....
Monroe,.. .	42 00	87 00	59 00	1,883 28	1,387 84	* 571 44	571 44	*$17 00..do..... 571 44
Oconto,.	260 57	48	.....	1,815 46	1,535 34	280 12	3.509 26	..... 3,509 26
Outagamie,..	2,905 97	4,512 97	3,207 18	2,602 77	.....	* 5,829 95	4,396 48	*$20 00..do. No set. with co. treas.
Ozaukee, ...	95 00	185 00	868 98	3,188 01	3,456 99	* 122 00	.....	*$22 00..do.....
Pepin,..	.....	44 00	630 71	547 08	980 00	* 204 79	.....	*$7 00...do.....
Pierce,.....	716 85	162 23	.....	1,625 41	1,481 01	* 166 40	711 37	*$22 00..do—$711 37 not called for.
Polk,..	1,542 20	2,029 86	1,643 84	889 01	599 24	* 1,967 61	.....	*$34 00..do.....
Portage,....	5,569 74	7,213 92	7,473 21	1,808 81	.....	* 9,330 02	1,200 91	*$48 00..do. No set. with co. treas.
Racine,.....	197 00	1,622 00	5,351 77	7,586 41	10,373 40	2,787 13	.....	bal. suit tax and fines $72,.....
Richland....	4 00	23 00	49 00	1,833 28	1,385 01	591 27	.....	$44 fines and suit tax $4,.....
Rock,.....	.....	.....	1,834 37	16,085 33	18,235 25	....	.....	bal...do.....do....$193,.....
St. Croix, ...	3,764 32	4,734 49	3,537 87	1,982 20	3,097 26	* 2,446 81	.....	*$24 00 suit tax..... ..
Sauk,.....	528 01	546 01	.....	5,304 41	5,122 76	* 258 65	70 16	..... 70 16
Shawanaw,..	....	483 56	.... ..	1,297 10	* 1,697 10	.....	4,189 17	*$400, refd on delq't tax..... ..
Sheboygan,..	115 00	253 00	275 02	6,343 63	280 71	* 6,372 94	.....	*$35 00, suit tax,..... ....
Trempeleau,	13 99	24 00	18 00	802 05	.....	* 824 05	919 40	*$4 00. No set. with co. treas.
Walworth, ..	98 00	167 34	332 00	10,107 26	10,341 61	261 42	.....	suit tax and fines.....

*No money in Swamp Land Fund.

a This balance provided for by deducting balance due from school money. *b* Cancelled—see chapter 102, Law of 1860, *c* Co. Treas. has made no return. *d* No payment received from this Co. since June 1859. Last pay't $4,307 48, incl. in this bal.

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Statement of the Amount due and unpaid from the several Counties in the State, &c.—continued.

Counties.	Dec. 31, 1857.	Dec. 31, 1858,	Dec. 31, 1859	State Tax of 1859.	Amount paid since Jan. 1, 1860.	Balance due March 20th, 1860.	Delinquent Tax of 1858 unpaid.	Remarks.	Payable from Swamp Land Fund.
Washington,..	49 00	.... ..	72 50	5,262 88	* 5,359 38	.....	63 02	*bal. suit tax $24,.....	63 02
Waukesha,...	32 40	65 00	159 61	8,950 81	* 9,166 42	.....	... .	*$56 00.....	
Waupaca,....	1,964 69	2,778 63	2,609 20	1,727 68	1,921 36	2,415 52	2,694 92	.....	2,694 92
Washara,....	78 00	98 00	99 00	1,365 09	346 21	* 1,132 88	908 77	*$15 00 suit tax.....	908 77
Winnebago,..	232 00	314 00	415 88	6,041 92	6,502 48	106 08	69 26	$90 00 suit tax.....	69 26
Wood,.....	44 00	.....	1,428 48	713 13	503 57	* 1,650 04	1,306 32	*$12 00..do.....	1,306 32
						$94,937 40	$27,797 55		

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On motion of Senator Hutchinson,
The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file,
Senator Gill in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 195, S., a bill for an act to re-annex certain lands to the towns of Wauwatosa, Greenfield and Lake in the county of Milwaukee;

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled "of the publication of legal decisions;"

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

With amendments, and recommendation to pass when so amended.

No. 249, S., a bill for an act to define the qualifications of electors in certain cases;

No. 61, A., a bill for an act to amend chapter 40, of the Local Laws of 1859, entitled an act to authorize the city of Milwaukee to assess water rents;

No. 254, S., a bill for an act to create the town of Forsyth, and to amend chapter 330, of the Private and Local Laws of 1857, incorporating the city of Berlin;

With the recommendation that they do pass.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

The amendments to said bills
Nos. 98 and 195, S.,
Were adopted;

And the bills as amended were ordered engrossed for a third reading.

The question occurring on ordering to a third reading bill
No. 29, S.,
Sen. Virgin moved to lay the bill on the table;
The ayes and noes were called for;
And the motion prevailed—ayes 13, noes 10.

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Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Hanchett, Hutchinson, Seeley, Stewart, Virgin, Washburn and Worthington—13.

Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Gill, Hilgen, Hotchkiss, Masters, Maxon, Rodolf and Taylor—10.

Said bill

No. 249, S.,

Was ordered engrossed for a third reading.

Said bill

No. 61, A.,

Was ordered to a third reading.

On motion of Sen. Seeley,

All rules were suspended in order to put upon their passage said bill

No 254, S.,

And also, bill

No. 180, A., a bill for an act to amend section 1, of chapter 178, of the General Laws of 1856, entitled "an act establishing the fees for the publication of the sale of forfeited lands;"

Said bills were then ordered to a third reading, read and passed.

BILLS INTRODUCED ON LEAVE,

Read first and second time an dreferred:

By Sen. Hotchkiss:

No. 326, S., a bill for an act to amend chapter 34, of the Revised Statutes, entitled "of the relief of the poor;"

To committee on Town and County Organization.

On motion of Sen. Masters,

The Senate adjourned till 4 o'clock this afternoon.

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4 o'clock, P. M.

Senate met.
Lieut. Governor in the Chair.
Roll called and quorum present.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Rodolf:
Res. No. 84, S.,
Resolved, by the Senate, that the Judiciary committee be instructed to inquire into the expediency and constitutionality of passing a bill for an act declaring the publishing of a confidential letter a misdemeanor;
Laid over.

SPECIAL ORDER.

No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;
No. 251, S., a bill for an act to define and adjust certain portions of the contract for the public printing;
And
No. 252, S., a bill for an act to provide for the payment of the sum of money therein named, to Andrew Proudfit (assignee of Calkins & Webb,) being the amount due for the payment of assessment blanks, and forms furnished by the Secretary of State to the several counties;
Which were this morning made the special order for this afternoon, at 4 o'clock,
Were taken up, and
On motion of Sen. Hotchkiss,
The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the said bills,
No. 211, 251, and 252, S.,
Sen. A. I. Bennett in the Chair;
After some time spent therein the committeee rose, reported back said bills
Nos. 251, and 252, S.,
With the following recommendations:

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No. 251, S.,
With amendments and recommendation of indefinite postponement.
No. 252, S.,
With amendments, and the passage recommended when so amended.
On motion of Sen. Curtis,
The Senate adjourned.

WEDNESDAY, March 21, 9 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. McWright.
Roll called and quorum present,
Reading of journal of yesterday dispensed with.
Sen. Burdick asked leave of absence for Sen. A. I. Bennett;
Leave granted.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Thurbur:
No. 141, S., petition of Joseph Knur for relief in a certain case;
To committee on Education, School and Univerisity Lands.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Burdick:
No. 328, S., a bill for an act to amend section 61, of chapter 28, of the Revised Statutes, entitled "of School and University Lands;"
To committee on Judiciary.

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By Sen. Burdick:

No. 328, S., a bill for an act to amend section 17, of the Revised Statutes, entitled "of public printing and the publication and distribution of Statutes and other public documents;"

To committee on Judiciary.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Worthington:

Res. No. 85, S.,

Resolved, That the Svperintendent of Public Property is hereby instructed to purchase 4,000 copies of the Governor's Message in German for the use of the Senate;

Sen. Hutchinson moved the previous question, and

The call was sustained.

The question being, "shall the main question be now put?"

The Senate refused to order the previous question.

Sen. Rodolf moved to lay the resolution on the table;

The ayes and noes were called for, and

The motion prevailed—ayes 15, noes 12.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Washburn—15.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hanchett, Seeley, Stewart, Virgin and Worthington—12.

Res. No. 84, S.,

Resolved, by the Senate, That the Judiciary committee be instructed to inquire into the expediency and constitutionality of passing a bill for an act declaring the publishing of a confidential letter or misdemeanor;

Which was introduced yesterday and laid over;

Was taken up, and

On motion of Sen. Virgin,

Was laid on the table.

ACCOUNTS,

Presented and referred;

By Sen. Virgin:

No. 43, S., account of Thomas Hugill for $185;

To committee on Claims.

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BILLS, &c.,

Introduced on leave granted, read first and second times and referred:

By Sen. Stewart:

No. 329, S., a bill for an act to appropriate to Nelson McNeal the sum of $1,577 31;

To committee on Claims.

By Sen. Rodolf:

No. 330, S., a bill for an act to repeal an act entitled "an act to amend an act entitled 'an act to incorporate the city of La Crosse, and the several acts amendatory thereto,'" approved March 14, 1856;

To general file.

By committee on Claims:

No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

To general file.

REPORTS OF COMMITTEES.

The committee on Finance to whom was referred

No. 552, A., a bill for an act providing for an increase of highway tax in the county of Richland;

Respectfully report the same back with the recommendation that it do pass.

RODOLF, *Ch'n.*

The committee on Finance, to whom was referred

No. 39, A., a bill for an act to repeal chapter 16, of the Revised Statutes, in relation to the duties of assessors in collecting statistics;

Report the same back, and believing it unwise to repeal a law so wholesome in its effects when properly carried out, recommend that the bill be indefinitely postponed.

A. I. BENNETT, *Ch'n.*

So ordered.

The committee on Finance to whom was referred

Nos. 394, and 450, A.,

The former in relation to levying a tax for corporation purposes in the village of Viroqua, in Bad Ax county; the latter in relation to watchman for the Bank Comptroller's office, and recommend their passage.

A. I. BENNETT, *Ch'n.*

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The committee on Engrossed Bills respectfully report that they have examined and compared

No. 227, S., an act to amend chapter 13, of the Revised Statutes entitled "of counties and county officers;"

And find; he same correctly engrossed.

C. COMSTOCK.

The committee on Public Lands herewith report back

No. 284, S.,

With an amendment, and recommend its passage when so amended.

STEWART, *Ch'n.*

The committee on Claims, to whom was referred account

No. 36, S., the account of Berliner & Bruno for repairing safe in office of Secretary of State;

Have had said account under consideration, and report it back by bill

No. 331, S bill for an act to appropriate to Berliner & Bruno the sum of $20;

Also account

No. 41, S., the account of Cyrus K. Lord against the State;

Have instructed me to report it back, and recommend its reference to committee on Public Lands.

Z. P. BURDICK, *Ch'n.*

Said bill

No. 41, S.,

Was referred to committee on Public Lands.

The committee on Roads, Bridges and Ferries, to whom was referred

No. 395, A., a bill for an act entitled "an act to provide for the location and the construction of a portion of a State road from Oshkosh to Green Bay.

No. 352, A., a bill for an act entitled "an act to incorporate the Milwaukee and Cedarburg plank road company;"

No. 437, A., a bill for an act entitled "an act to amend an act entitled 'an act to authorize the laying out of a State road from the town of Howard, Brown county, to the Menomonee river;

No. 241, A., a bill for an act entitled "an act to amend chapter 210, of the Private and Local Laws of 1859, entitled 'an act to incorporate the Boscobel and Manhattan Bridge Company;'"

Have had the same under consideration, and instructed me

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to report the same back without amendments and recommend their passage.

P. B. SIMPSON, *Ch'n.*

The committee on Incorporations, to whom was referred

No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society in the village of Lowell, Dodge County;

Have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage;

Also,

No. 270, A., a bill for an act to incorporate the Thienesville fire engine company;

Have again had the same under consideration, and instructed me to report the same back without any recommendation.

SEELEY, *Ch'n.*

The committee on Agriculture, to whom was referred

No. 446, A., an act for the protection of orchards and fruit trees;

Have had the same under consideration, and have instructed me to report the same back and recommend its passage.

E. D. MASTERS, *Ch'n.*

The committee on Banks and Banking, report back

No. 317, S., a bill for an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge county;

No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

And

No. 355, A., a bill for an act to authorize the Corn Planters Bank of Waupaca to reduce its capital stock, and remove its place of business;

Without amendment and recommend their passage.

D. WORTHINGTON.

On motion of Sen. Virgin,

All rules were suspended in order to put upon their passage the following bills:

No. 437, A., a bill for an act to amend an act entitled an act to authorize the laying out of a State road from the town of Howard, Brown county, to the Menomonee river;

No. 528, A., a bill for an act to appropriate to H. Bingham the sum of $80;

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No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society in the village of Lowell, Dodge county;

No. 431, A., a bill for an act concerning the coupons of the capitol extension bonds, issued by the city of Madison;

No. 552, A., a bill for an act providing for an increase of highway tax in the county of Richland;

No. 241, A., a bill for an act to amend chapter 210, of the Private and Local Laws of 1859, entitled "an act to incorporate the Boscobel and Manhattan Bridge Company;"

No. 370, A., a bill for an act to incorporate the Thiensville Fire Engine Company;

No. 229, S., a bill for an act to incorporate the Wisconsin Agricultural and Mechanical Association;

No. 295, S., a bill for an act to incorporate the Dane County Agricultural and Mechanical Association.

The question occurring on ordering to a third reading said bill

No. 431, A.,

On motion of Sen. Sweat,

It was ordered to the Dane county delegation.

Said bills

Nos. 437, 505, 241, 370, A., and 229 and 295, S.,

Were severally ordered to a third reading, read and passed.

No. 528, A.,

Was ordered to a third reading, and read.

On the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 24, noes 1.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—24.

Senator Masters voted in the negative.

No. 552, A.,

Was ordered to a third reading, and read.

On the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 21, noes 0.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Cox, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—21.

None voted in the negative.

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On motion of Sen. Seeley,

All rules were suspended in order to put upon their passage the following bills:

No. 537, A., a bill for an act to amend chapter 226, of the Private and Local Laws of 1858, entitled "an act to incorporate the village of Kingston," approved May 8th, 1858;

No. 317, S., a bill for an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge county, Wis.;

No. 355, A., a bill for an act to authorize the Corn Planter's Bank of Waupaca, to reduce its capital stock and remove its place of business;

Said bills were then ordered to a third reading, read and passed.

SPECIAL ORDER,

Bill

No. 158, S., a bill for an act relating to school, university, swamp and overflowed lands belonging to the State;

Which was made the special order for ten o'clock to-day, was taken up.

The amendments were adopted,

And the bill as amended, was ordered engrossed for a third reading.

On motion of Senator Sweat,

All bills in the report of the committee of the whole, except bill

No 251, S.,

Were taken up and considered.

No. 252, a bill for an act to provide for the payment of the sum of money therein named to Andrew Proudfit, assignee of Calkins & Webb, being the amount due for printing of assessment blanks and forms furnished by the Secretary of State to the several counties of this State in the year A. D. 1858;

Was ordered engrossed for a third reading.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed

No. 237, A., a bill to annex a part of the city of Appleton to the town of Grand Chute;

No. 302, A., a bill for an act to vacate certain lots of the Town of the Island, in Winnebago county;

No. 470, A., a bill for an act to organize the county of Ashland;

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No. 380, A., a bill for an act prescribing the place of filing chattel mortgages on certain classes of property;

No. 534, A., a bill for an act to amend chapter 9, of the Revised Statutes, entitled "of the Legislature," and also "acts of a general nature, of 1858," incorporated therein;

No. 571, A., a bill for an act providing for a lien for labor and service upon logs and timber, in certain cases;

No. 580, A., a bill for an act to authorize the village of Measha to aid in the construction of railroads;

No. 583, A., a bill for and act to organize Shawano county r judicial purposes;

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has amended, and concurred in as amended, the following bills:

No. 167, S., a bill for an act concerning bills of exchange and promissory notes;

No. 218, S., a bill for an act to amend chapter 104 of the Private and Local Laws of 1858, relating to a certain State road therein named;

Also, that the Assembly has indefinitely postponed

No. 168, S., a bill for an act to repeal sections 1, 2, 3, 4, 5, 6 and 7, of chapter 79, of the Revised Statutes, entitled "of railroads;"

And further, that the Assembly insists upon its non-concurrence in certain Senate amendment to

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county;

And asks a committee of Conference; Messrs. Bouck, Barnum and Goodwin appointed on the part of the Assembly.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

Nos. 237, 302 and 460, A,

Were referred to general file.

Nos. 380 and 571, A.,

Referred to Senators Washburn, Decker and Phillips.

No. 580, A.,

Referred to committee on Railroads.

Nos. 583 and 534, A.,

Referred to Judiciary committee.

No. 470, A.,

Referred to committee on Town and County Organization.

No. 584, A.,

Referred to committee on Incorporations.

No. 37, A.,

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The Senate refused to recede from its amendments.

No. 174, A.,

The Senate refused to recede from its amendments.

No. 291, A.,

The Senate appointed Senators Washburn and Rodolf committee on the part of the Senate.

The Senate refused to concur in amendments to bills Nos. 167 and 218, S.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 252, S., a bill for an act to provide for the payment of the sum of money therein named, to Andrew Proudfit, (assignee of Calknins & Webb,) being the amount due for the printing of assessment blanks and forms furnished by the Secretary of State to the several counties of this State, in the year A. D. 1858;

On the passage of the bill, the ayes and noes being required,

The bill was passed—ayes 19, noes 3.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Burdick, Decker, Eagan, Ferguson, Hanchett, Hilgen, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Thurbur, Virgin, Washburn, and Worthington—19.

Those who voted in the negative, were

Senators Cox, Hutchinson and Seeley—3.

No. 158, S., a bill for an act relating to school, university swamp and overflowed lands belonging to the State;

The ayes and noes being called for,

The bill was passed—ayes 14, noes 12.

Those who voted in the in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat and Thurbur—12.

No. 227, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

No. 115, S., a bill for an act to provide for carrying into effect chapter 210, of the General Laws of 1859, relative to town school libraries;

The ayes and noes were called for, and

The Senate refused to pass—ayes 12, noes 16.

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Those who voted in the affirmative were

Senators Bartlett, Comstock, Cox, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Simpson, Stewart, Washburn and Worthington—12.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Curtis, Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Maxon, Rodolf, Seeley, Sweat, Thurbur and Virgin—16.

No. 249, S., a bill for an act to define the qualification of electors in certain cases;

Senator Simpson moved to indefinitely postpone the bill

Pending which,

On motion of Senator Curtis,

The bill was referred to a select committee of three.

Chair appointed Senators Gill, Hutchinson, and Hanchett, said committee.

No. 198, S., a bill for an act to amend an act entitled "an act to provide for disposing of the drainage fund and the distribution of the interest thereof," approved April 30th, 1858;

The ayes and noes were called for, and

The bill was passed—ayes 15, noes 14.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Ferguson, Hanchett, Hutchinson, Masters, Rodolf, Seeley, Stewart, Virgin and Worthington—15.

Those who voted in the negative were

Senators Curtis, Decker, Egan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Simpson, Sweat, Taylor, Thurbur and Washburn—14.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 312, A., a bill for an act to for the preservation of game;

No. 61, A., a bill for an act to amend chapter 40, of the Local Laws of 1859, entitled "an act to authorize the city of Milwaukee to assess water rents;"

The ayes and noes being required,

The passage was concurred in—ayes 25, noes, 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Comstrck, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—25.

None voted in the negative.

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REPORT OF COMMITTEE OF THE WHOLE,

Considered.

No. 251, S., a bill for an act to define and adjust certain portions of the contract for the public printing;

The consideration of the bill was, on motion of Sen. Hanchett, postponed till this afternoon.

On motion of Sen. Comstock,

No. 171, S., a bill for an act concerning the sale of real estate on execution issued upon judgments at law or in cases of foreclosure and sale of mortgaged premises;

Was taken from the table and referred to Judiciary committee.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Ass't. Clerk thereof.

Mr. PRESIDENT—

I am directed to present to you for signature the following bills which have been signed by the Speaker:

No. 435, A., a bill for an act to amend an act entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same," approved March 25, A. D. 1858, and all acts amendatory of said act;

No. 549, A., an act to authorize the trustees of the village of Sparta to renew the warrant for the collection of unpaid taxes of said village.

On motion of Sen. Hotchkiss,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On bill No. 211 S., and the general file.

Sen. Stewart in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

With amendment, and the passage recommended when so amended.

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No. 9, S., a bill for an act to amend chapter 22 of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof, approved Feb. 19th, 1859, concerning fees of advertising;"

Without recommendation.

On motion of Sen. Sweat,

Senate adjourned till four o'clock this afternoon.

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4 O'CLOCK, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present,

BILLS INTRODUCED ON LEAVE.

Read first and second times and referred:

By committee on Education, School and University Lands:

No. 332, S., a bill for an act to amend chapter 190, of the Laws of 1859, entitled "an act to authorize a loan to the University of Wisconsin;"

To general file.

By committee on Education, School and University Lands:

No. 333, S., a bill for an act to enable the Regents of the State University to complete and furnish University Hall;

To general file.

By Senator Curtis,

No. 334, S., a bill for an act to provide for publishing the returned and Treasurer's lists in certain towns in Sauk county, in the *Pioneer* and *Wisconsin*.

To Printing committee.

REPORTS OF COMMITTEE.

The committee on Judiciary to whom was referred

The memorial of the Milwaukee and Rock River Canal Company;

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And,

No. 161, S., entitled a bill for an act to authorize a final settlement with the Milwaukee and Rock River Canal Co.;

Have examined the facts, stating the subject of said bill and memorial with as much care as time and circumstances would permit, and instructed me to make the following report:

On the 5th day of January, A. D. 1838, an act was passed by the Territorial Legislature incorporating said company, and authorizing it to construct and maintain a Canal or Slack Water Navigation from the town of Milwaukee to Rock river, and conferring upon it certain other rights and privileges, among which was the right to apply to Congress for such an appropriation in money or lands, to aid in the construction of said canal as Congress might see proper to grant.

On the 18th day of June following, Congress passed an act entitled "an act to grant certain lands to the Territory of Wisconsin for the purpose of aiding in the opening a canal to connect the waters of Lake Michigan with those of Rock river." Whether the passage of this act was procured on the application or through the efforts of said company, your committee have no means of knowing, but think it fairly to be inferred, that such was the case.

By the act of Congress above referred to, there was granted to the Territory of Wisconsin, for the purposes above indicated and no other, all the lands not then otherwise appropriated or disposed of in those sections and fractional sections numbered with odd numbers by the plats of public survey, within the breadth of five full sections, on each side of the main route of said canal, on certain conditions, one of which was that said canal should be commenced within three years, and completed within ten years, or the United States be entitled to receive the amount for which said lands should be sold, and not less than two dollars and fifty cents per acre, and the State of Wisconsin held responsible therefor. Section two of the same act provides, among other things, that when the route of the canal shall be located and established, agreeably to the act of the Territorial Legislature incorporating said company, the Commisioner of the General Land Office shall, under the direction of the President of the United States, ascertain the particular lands granted, &c.

Section 5, of said act of Congress, provides that the lands thereby granted shall vest in the State of Wisconsin, when admitted into the Union, to be disposed of under such regulations as the legislature thereof shall provide; and that the proceeds shall be applied to the construction of said canal, &c.

The State to be entitled to hold as many shares of the stock

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of said company as shall be equivalent to the aggregate of all the sums of money arising from the sales of said lands and applied to the construction of said canal.

Section 10, of an act of Congress entitled "an act for the admission of the State of Wisconsin into the Union," provides that the liabilities incurred by the territorial government of of Wisconsin, under the act granting said lands to aid in the construction of said canal, shall be paid and discharged by the State of Wisconsin. From these various provisions, and other facts submitted to our consideration, your committee think the following propositions established:

1st. That by said act of Congress, passed on the 18th day of June, 1838, the Territory of Wisconsin was constituted a trustee to sell and dispose of said lands and apply the proceeds thereof in aid of the construction of said canal;

2nd. That said grant of land was made expressly to aid in the construction of said canal, and its use restricted by the act of Congress to that purpose "and none other."

3d. That said Company, after said grant was made, proceeded to locate the line of said canal, and commenced the construction of the same in pursuance of powers conferred by the several enactments aforesaid, and, as your committee have reason to believe, in good faith.

4th. That said Company expended a considerable amount of its own funds in the payment of work done on the canal, but what amount your committee are not informed.

5th. That the Territorial Legislature undertook the office of trustee by passing an act on the 26th day of February 1839, entitled "an act to aid in the construction of the Milwaukee and Rock River Canal;" and by several subsequent enactments of succeeding sessions, and continued in the execution of said Trustee untill the 17th day of February 1842, at which time it passed a series of resolutions declaring all connection between the Territory and Canal Company to be dissolved, without assigning any reason therefor; that the trust had been imposed upon the Territory by Congress, that it would no longer perform the duties of trustee, &c.; and at the same session passed laws repealing the former laws providing for aiding the Company by an application of the land or land fund;

6th. That the Canal Company repeatedly offered to surrender all control of the Canal into the hands of the Territory, and withdraw entirely from it, upon being refunded the amount which it had expended, which at the time was a small sum.—That in consequence of the refusal of the Territory to sell the land and apply the proceeds, the Company was subjected to

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much inconvenience, difficulty, and damage in prosecuting the work without the promised aid;

7th. That on the 24th day of February, 1845, the Legislature passed a law for the sale of said land without making provision for applying the proceeds to the purposes intended by the act of Congress; but on the contrary, in violation of said act, and of the trust thereby created, the Legislature subsequently passed a resolution, to wit, on the 3d, day of February 1846, directing the money received from the sale of the land to be paid into the Territorial treasury, and that the same be paid out as other Territorial funds, for the public expenditures, pledging the faith of the Territory and of the State of Wisconsin to refund the same to the canal fund, when required for the purposes of the trust.

8th. That one of the purposes of the trust was to pay the stockholders of the caual company the amount paid out by them paid out in the construction and maintenance of the canal in lieu of the stock of the company.

9th. That said company has repeatedly requested the Legislature of the Territory and the State to liquidate their claims, but that up to this time this request has not been complied with.

10th. That said company has made its appeal to Congress for the protection of its rights, claiming that good faith on the part of the general government requires that Congress should see that its engagements be fulfilled.

For these, and various other reasons, which might be stated, your committee are of the opinion that there is honestly and justly due some amount of money to said company, for expenditures made in payment of work done on the canal; and that a fair and honorable settlement ought to be made between said company, the general government and the State, upon principles of justice and equity; and that said company ought to be paid whatever amount shall be found its just due. Your committee, however, does not feel that it properly devolves on them to recommend what specific action should be adopted for that purpose, but rather that it is the peculiar province of the joint committee on claims to devise the proper mode of arriving at the result.

Your committee therefore beg leave to report said bill and memorial back, and recommend that they be referred to the committee on Claims.

L. HANCHETT,
P. B. SIMPSON,
M. W. SEELEY,
CHAS. R. GILL.

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The committee on Incorporations, to whom was referred,

No. 77, A., entitled "a bill for an act to repeal chapter 330, of the Private and Local Laws of 1855," entitled "an act to incorporate the Wisconsin River Hydraulic Company;

And,

No. 78, A., entitled "a bill for an act to repeal chapter 270, of the Private and Local Laws of 1853," entitled "an act to authorize John Marshal, Joseph Bailey, Edward Norris, Jonathan Bowman, James Christie, and their successors, to build and maintain a dam across the Wisconsin river;"

And,

No. 79, A., entitled "a bill for an act to repeal chapter 508 of the Private and Local Laws of 1856," entitled "an act to amend chapter 330 of the Private and Local Laws of 1855;"

And,

No. 584, A., entitled "a bill for an act to extend the time for the collection of a special tax in that part of Joint School District No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;"

Have had the same under consideration, and instructed me to report the same back to the Senate and recommend their passage.

M. W. SEELY, *Ch'n.*

The Railroad committee, to whom was referred

No. 580, A., being a bill for an act to authorize the village of Menasha to aid in the construction of railroads;

Have considered the same, and a majority recommend its passage.

Also,

No. 531, A., being a bill for an act to authorize the Borough of Fort Howard to issue bonds to aid in the construction of a railroad from Fort Howard to Appleton;

Have considered the same, and a majority recommend its passage.

Also,

No. 351, A., being a bill for an act to amend an act entitled an act to incorporate the Green Bay, Milwaukee & Chicago Railroad company, approved March 13, 1851, and acts amendatory thereto;

Have had the same under consideration and recommend its passage.

No. 259, A., being a bill for an act to incorporate the Fort Howard and Appleton Railroad Company,

Have considered the same, made some amendments, and recommend its passage as amended.

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Also,

No. 256, S., being a bill for an act to incorporate the Winslow and Jamestown Railroad Company;

Have had the same under consideration, and the majority of the committee recommend the passage of the same.

PHILLIPS, *Ch'n.*

The select committee to whom was referred bill

No. 249, S., being a bill for an act to define the qualifications of electors in certain cases;

Have had the same under consideration, and have instructed me to report the same back with accompanyinyg amendment, and recommend its passage when so amended.

CHARLES R. GILL, *Ch'n.*

The committee on Finance, to whom was referred bill

No. 139, A., in relation to the reassessment of certain taxes in the city of Milwaukee;

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Engrossed Bills, have examined and compared the following bills, and find the same correctly engrossed:

No. 158, S., a bill for an act relating to school, nniversity, swamp, and overflowed lands belonging to the State, and to repeal section nine of chapter twenty-nine of the Revised Statutes;

No. 252, S., a bill for an act to provide for the payment of the sum of money therein named to Andrew Proudfit, assignee of Calkins & Webb, being the amount due for the printing of assessment blanks and forms furnished by the Secretary of State to the several counties of this State, in the year A. D. 1858;

No. 98, S., a bill for an act to amend chapter 25, of title 81, of the Revised Statutes, entitled "of the publication of legal decisions.

C. COMSTOCK, *Ch'n.*

The committee on Benevolent Institutions to whom was referred

No. 472, A., a bill in relation to changing the corporate name of the Plymouth Congregational Society in the city of Fond du Lac;

Report the same back and recommend its passage.

The same committee report back the memorial of the com-

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missioners for building the Wisconsin State Hospital for the Insane, and recommend that it lay on the table.

A. I. BENNETT, *Ch'n.*

The committee on Judiciary to whom was referred

No. 280, A., entitled a bill for an act to legalize the assessment of taxes in the county of La Pointe, and to extend the time of payment;

Have considered the same, and instructed me to recommend its passage.

HANCHETT, *Ch'n.*

The select committtee to whom was referred

No. 380 A., a bill for an act prescribing the place of filing chattel mortgages on certain classes of property;

Report the same back with an amendment, and recommend its passage when so amended.

Also,

No. 571, A., a bill for an act providing for a lien for labor and service upon logs and lumber in certain cases;

Report the same back without amendment, and recommend its passage.

G. W. WASHBURN,
E. L. PHILLIPS,
E. DECKER.

The committee on Enrolled Bills report that they have examined the following bills, and find the same correctly enrolled, viz:

No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled "Railroads;"

No. 274, S., a bill for an act exempting certain property therein named from taxation;

No. 293, S., a bill for an act regulating railroads;

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;

No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127;

No. 150, S., a bill for an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of proof and recording of conveyances and the canceling of mortgages;

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No. 142, S., a bill for an act relating to the LaCrosse county court;

No. 47, S., a bill for an act to incorporate the Green Bay Gas Light Company;

No. 147, S., A bill for an act entitled an act to consolidate and amend the act to incorporate the city of Oshkosh and the several acts amendatory thereto;

No. 139, S., a bill for an act relating to the duties of register of deeds;

No. 50, S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

No. 225, S., a bill for an act to amend chapter 345, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;"

No. 268, S., a bill for an act to amend an act entitled "an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;

No. 231, S., a bill for an act to amend chapter 193, of the Private and Local Laws of the year 1859, entitled an act to incorporate the village of Oconto;

No. 232, S., for an act to amend section 2, of chapter 140, Revised Statutes, entitled "of miscellaneous proceedings in civil actions and general provisions."

GEO. BENNETT, *Ch'n.*

The Select Committee to whom was referred bill

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections;

Have had the same under consideration and instructed me to report the same to the Senate with an amendment and recommend its passage when so amended.

D. W. MAXON, *Ch'n.*

The Select Committee, consisting of the Dane County delegation in the Senate, to whom was referred bill

No. 224, A., a bill for an act to legalize the organization of Joint School District No. 7, of Burke and Blooming Grove;

Have had the same under consideration, and report the same back without recommendation.

TAYLOR,
SWEAT.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature, the following bills, which have been signed by the Speaker:

No. 33, A., a bill for an act to lay out a State road from Stevens Point to Eau Claire;

No. 164, A., a bill for an act to appropriate to L. E. Saxton, the sum of $83;

No. 214, A., a bill for an act to amend sections 1 and 2, of chap. 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf of the State;"

No. 238, A., a bill for an act relating to the support of the poor in counties where the distinction between county and town poor exists;

No. 263, A., a bill for an act to reduce the capital stock of the Walworth County Bank;

No. 284, A., a bill for an act to establish the name of Ellie Metcalf;

No. 358, A., a bill to repeal chapter 46, of the Gen. Laws of 1860, entitled "an act to extend the time for collection of taxes in the town of Freedom, in the county of Outagamie;

No. 363, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital;

No. 411, A., a bill for an act to appropriate to Thomas McFarland the sum of $81 75;

No. 433, A., a bill for an act to appropriate to G. D. Norris the sum of $122 45;

No. 441, A., a bill for an act to extend the time of collection of taxes in the city of Watertown;

No. 464, A., a bill for an act to appropriate to Muldoon & Crampton the sum of $77 15;

No. 498, A., a bill for an an act conferring certain powers upon the board of supervisors of the county of Green Lake;

No. 558, A., a bill for an act to authorize the Commissioners of School and University Lands to issue certain school land certificates;

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof,

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of,

No. 178, S., a bill to amend an act entitled "an act to amend

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chapter 299 of the private and local laws for the year 1855, entitled "an act to incorporate the Sugar River Valley Rail Road Company;"

And has passed, and asks the concurrence of the Senate in

No. 142, A., a bill for an act relative to persons mining for lead ore or other minerals,

No. 304, A., a bill for an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the second ward, to pay for the improvements of a public square in block 165 of said ward;

No. 413, A., a bill for an act to change the boundaries of the town of Watertown in the county of Jefferson;

No. 592, A., a bill for an act to repeal section 2, of chapter 119, of the private and local laws of 1858, entitled "an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton;"

No. 604, A., a bill for an act to amend chapter 92 of the general laws of 1860, entitled "an act to amend chapter 131 of the private and local laws of 1857, entitled an act to incorporate the city of Mineral Point;"

No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin Rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections," approved Oct. 3d, 1856;

And,

No. 155, A., a bill for an act to provide for the purchase of real estate, and the erection of suitable buildings thereon for the use of the third ward of the city of Milwaukee.

On motion of Sen. Hanchett,

All rules were suspended

In order to put upon their passage the following bills:

No. 280, A., a bill for an act to legalize the assessment of taxes in the county of La Pointe and to extend the time of payment thereof;

No. 259, A., a bill for an act to incorporate the Fort Howard and Appleton Railroad Co.;

No. 286, S., a bill for an act to remit to the county of Portage certain indebtedness to the State;

No. 531, A., a bill for an act to authorize the borough of Fort Howard to issue bonds to aid the construction of a railroad from Fort Howard to Appleton;

No. 413, A., a bill for an act to change the boundaries of the town of Watertown, in the county of Jefferson;

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No. 580, A., a bill for an act to authorize the village of Menasha to aid in the construction of railroads;

No. 289, A., a bill for an act to amend chapter 97, of the Private and Local Laws of 1859, entitled "an act to amend chapter 93, of the Private and Local Laws of 1858, entitled an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof;"

Said bills

Nos. 259, 289, 413, and 531, A.,

Were severally read a third time, and passage concurred in.

The question then occurring on the passage of said bill

Na. 287, S.,

The ayes and noes were required, and

The bill was passed—ayes 21, noes 1.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Comstock, Curtis, Decker, Eagan, Gill, Hanchett, Hilgen, Hutchinson, Masters, Phillips Simpson, Stewart, Taylor, Thurbur, Virgin, Washburn and Worthington—22.

Sen. Maxon, voted in the negatixe.

The question then occurring on the passage of said bill

The question occurring on the passage of said bill

No. 280, A.,

The ayes and noes being required,

The bill was passed—ayes 21, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Hanchett, Hutchinson, Masters, Phillips, Seeley, Sweat, Taylor, Virgin, Washburn and Worthington—21.

Those who voted in the negative were

Senators Hotchkiss and Maxon—2.

No. 580, A.,

The ayes and noes being required,

The bill was passed—ayes 21, noes 3.

Those who voted in the affirmative were

Senators Bartlett, Burdick, Comstock, Cox, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—21.

Those who voted in the negative were

Senators A. I. Bennett, Hutchinson, and Masters—3.

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MESSAGE FROM HON. S. D. HASTINGS,

State Treasurer and "commissioner for letting contracts for public printing."

Previous to the reading of which,

Sen. Gill moved the communication be not placed upon the journal;

Pending which,

Sen. Seeley moved that the reading of the communication be dispensed with;

Objection was made and the reading called for.

The President ruling that the reading could not be dispensed with if any Senator objected.

The clerk commenced reading the communication.

Sen. Virgin moved that the Senate do now adjourn;

And the motion was lost.

Sen. Hotchkiss moved that the report of the joint committee on printing, accompanying bill No. 251, S., together with the accompanying documents be spread on the journals, together with the communication of the Hon. S. D. Hastings, State Treasurer;

Ruled out of order.

Sen. Hotchkiss rose to a point of order, to-wit:

That new business having intervened, and the reading of communication having thereby been suspended, a motion was in order.

The chair ruled that the reading had not been suspended, and therefore the motion was out of order.

Sen. Hotchkiss appealed from the decision of the chair.

The question being "shall the ruling of the chair stand as the judgment of the Senate?"

Sen. Virgin moved to lay the appeal on the table.

The ayes and noes were called for,

And the motion prevailed—ayes 23, noes 6;

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Hanchett, Hutchinson, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—23.

Those who voted in the negative were

Senators Fratt, Gill, Hilgen, Hotchkiss, Masters and Maxon—6.

Sen. Hutchinson moved a call of the Senate;

And the call was sustained.

The roll being called,

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Senators Curtis and Masters were absent without leave.
The Sergeant-at-Arms proceeded to summon the absentees.

REPORT OF THE SERGEANT-AT-ARMS.

The Sergeant-at-Arms reports that all Senators are now in their seats.

ASA KINNEY, *Sergeant-at-Arms.*

The Clerk proceeded with the reading of the communication.
Senator Rodolf moved that the Assistant Clerk read the last half of the communication on one side of the Senate Chamber, while the Chief Clerk was reading the first half on the other side of the Chamber.
Ruled out of order.
The objection to dispensing with the reading of the communication was withdrawn, and
The further reading was dispensed with.
Senator Hotchkiss moved that the report of the joint committee on Printing, accompanying Senate bill No. 251, together with the documents accompanying the same, and the communication of S. D. Hastings, State Treasurer, on the same subject, be spread on the journal;
Senator Hanchett moved to amend by inserting the word "not" between the words "be" and "spread," and
The motion prevailed.
The question then occurring on the motion as amended;
It prevailed.
On motion of Senator Simpson,
The Senate adjourned.

THURSDAY, March 22, 9 o'clock, A. M.

The Senate met.
The Lieut. Governor in the chair.
Prayer by the Rev. Mr. Walters.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Washburn:

No. 86, S.,

Resolved, That the Attorney General be requested to inform the Senate, whether, in his opinion, the provisions of Senate bill No. 251, materially change the terms of the contract between the State and the State Printer for doing the public printing, and if so, in what respect and to what extent.

Also, whether, under the Constitution, requiring the printing to be let to the lowest bidder, it is in the power of the Legislature to change the terms of an existing contract;

Laid over.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Thurbur:

No. 335, S., a bill for an to legalize the acts of the county board of supervisors of Manitowoc county for the year 1859;

To committee on Town and County Organization.

No. 336, S., a bill for an act to amend section 20, of chapter 23, of the Revised Statutes, entitled of common schools;

To committee on Education, School and University Lands.

By Sen. Comstock:

No. 337, S., a bill for an act in regard to testimony and witnesses;

To Judiciary committee.

No. 338, S., a bill for an act providing for a salary for the clerk of the circuit court for the county of Milwaukee, in lieu of the fees now allowed by law;

To Judiciary committee.

By committee on Claims:

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $150;

To general file.

By committee on Education, School and University Lands:

No. 340, S., a bill for an act to appropriate a contingent fund to School and University Land Commissioners;

To committee on Claims.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Comstock:

No. 142, S., petition of Peter Martineau, Daniel Wells, jr., John J. Inbush, and 100 other, asking that the county treas-

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urer and the clerk of the circuit court of Milwaukee county be made salaried officers.

REPORTS OF COMMITTEES.

The committee on Engrossed Bills have examined and compared the following bills, and find the same correctly engrossed:

No. 185, S., a bill for an act to authorize the formation of railroad corporations, and to regulate the same;

No. 195, S., an act to re-annex certain lands to the towns of Milwaukee, Wauwatosa, Greenfield and Lake, in the county of Milwaukee.

C. COMSTOCK, *Ch'n.*

The committee on Claims to whom was referred account

No. 42, S., the account of B. Domschke, for 310 copies of town laws in German;

Have had said account under consideration, and have instructed me to report it back by bill,

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

And recommend the passage of said bill.

Z. P. BURDICK, *Ch'n.*

The committee on Town and County Organization, to whom was referred

No. 470, A., a bill for an act to organize the county of Ashland;

And

No. 575, A., a bill for an act to vacate a certain street in the village of Waukau, in Winnebago county;

And

No. 447, A., a bill for an act to amend chapter 2, of the Revised Statutes, entitled, "of the division of the State into counties and their boundaries;"

Have had the same under consideration, and have instructed me to report the same back to the Senate and recommend their passage."

N. H. VIRGIN, *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred bills,

No. 508, A., entitled "an act to legalize certain State roads therein named;"

No. 228, A., entitled "an act authorizing the laying out of of a State road from the village of Eau City Claire, in Eau Claire county, to the mouth of Hay River, in Dunn Co.;"

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Have considered the same and recommend their passage.

Also,

No. 551, A., entitled "an act to lay out a State road from Juneau county to Portage county;"

No. 403, A., entitled "an act to provide for laying out a State road from Chilton, in Calumet county, to Wrightstown, in Brown Co.;

No. 465, A., entitled "an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;"

No. 52, A., entitled "an act to authorize Wm. Knowles and his associates or assigns, to build and maintain a dam across the Pecatonica River;"

With amendments to each of said bills, and when so amended, recommend their passage.

P. B. SIMPSON.

The Joint committee report that they presented on the 22d, the following bills to the Governor, for his approval:

No. 498, A., a bill for an act conferring certain powers upon the Board of Supervisors of the county of Green Lake.

No. 363, A., a bill for an act to authorize the St. Croix River Bank to reduce its capital stock.

No. 238, A., a bill for an act relating to the support of the poor in counties where the distinction between county and town poor exists.

No. 164, A., a bill for an act to appropriate to L. C. Saxton the sum of eighty-three dollars.

No. 284, A., a bill for an act to establish the name of Ellie Metcalf.

No. 33, A., a bill for an act to lay out a State road from Stevens Point to Eau Claire.

No. 358, A., a bill for an act to repeal chapter 46, of the General Laws of 1860, entitled an act to extend the time for the collection of taxes in the town of Freedom, in the county of Outagamie.

No. 214, A., a bill for an act to amend sections 1 and 2, of chapter 89, of the General Laws of 1859, entitled "an act to prevent unauthorized purchases in behalf of the State;"

No. 464, A., a bill for an act to appropriate to Muldoon & Crampton the sum of $77 16;

No. 411, A., a bill for an act to appropriate to Thomas McFarland the sum of $81 75;

No. 558, A , a bill for an act to authorize the commissioners of school and university lands to issue certain school land certificates;

No. 433, A., a bill for an act to appropriate to G. D. Norris the sum of $122 45;

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No. 441, A., a bill for an act to extend the time for the collection of taxes in the city of Watertown;

No. 263, A., a bill for an act to reduce the capital stock of the Walworth County Bank.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The joint committee on Enrolled Bills report that on the 20th inst. they presented to the Governor for his approval the following bill, to wit:

No. 179, S., a bill for an act to reduce the capital stock of the Clark County Bank.

G. BENNETT, *of Senate.*
C. MILLER, *of Assembly.*

The select committee consisting of the Dane county delegation in the Senate, to whom was referred bill

No. 431, A., a bill for an act concerning the coupons of the capitol extension bonds, issued by the city of Madison;

Have had the same under consideration, and report the same back with an amendment, and recommend its passage when so amended.

TAYLOR,
SWEAT.

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German Der Turn Verein;

No. 238, S., a bill for an act to authorize the German Evangelic Lutheran Society, of the village of Manitowoc, to reorganize and change their corporate name, and to legalize the acts of said society;

No. 193, S., a bill for an act to amend chapter 30, of the Private and Local Laws of Wisconsin for the year 1859, entitled "an act to incorporate the village of Waukesha;"

No. 230, S., a bill for an act to authorize school district No. 1, of the town of Jefferson, to raise a tax to build a school house;

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled "an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;"

No. 183, S., a bill for an act to promote the construction of horse railways in the city of La Crosse;

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No. 85, S., a bill for an act to regulate and license the keeping of dogs.

GEO. BENNETT, *Ch'n.*

On motion of Sen. Hutchinson,

No. 330, S., a bill for an act to repeal an act entitled an act to amend an act entitled "an act to incorporate the city of La Crosse and the several acts amendatory thereto," approved March 14, 1856;

Was taken from the general file, and

Referred to committee on State Affairs.

On motion of Sen. Masters,

No. 113, S., a bill for an act to provide for indexing the journals of the Legislature;

Was taken from the general file, and

Referred to committee on Claims.

On motion of Sen. Cox,

No. 299, S., a bill for an act to amend sec. 12, of chap. 3, of an act to incorporate the city of Prescott, approved March 9th, 1857;

Was taken from the general file, and

Referred to committee on Incorporations.

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred:

No. 142, A., a bill for an act relative to persons mining for lead ore or other minerals;

Referred to Senators Virgin, Rodolf and Simpson.

No. 155, A., a bill for an act to provide for the purchase of real estate, and the erection of suitable buildings thereon for the use of third ward of the city of Milwaukee;

No. 304, A., a bill for an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the second ward, to pay for the improvements of a public square in block 165, of said ward;

Referred to Senators Comstock and Eagan.

No. 592, A., a bill for an act to repeal sec. 2, of chap. 119, of the Private and Local Laws of 1858, entitled "an act to amend chap. 132, of the Priv. and Local Laws of 1857, entitled 'an act to incorporate the city of Appleton;'"

No. 604, A., a bill for an act to amend chap. 92, of the Gen. Laws of 1860, entitled "an act to amend chap. 131, of the Private and Local Laws of 1857, entitled 'an act to incorporate the city of Mineral Point;'"

To general file.

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No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections," approved Oct. 3d, 1856;

Referred to Senators Davis, Decker and Washburn.

MESSAGE FROM THE ASSEMBLY,

By John S. Dean, Esq., Assistant Clerk thereof:

MR. PRESIDENT—

I am directed to present to you for signature the following bills, which have been signed by the Speaker:

No. 47, S., a bill for an act to incorporate the Green Bay Gas Light Company;

No. 50, S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled "railroads;"

No. 139, S., a bill for an act relating to the duties of register of deeds;

No. 142, S., a bill for an act relating to the LaCrosse county court;

No. 147, S., a bill for an act to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto;

No. 150, S., a bill for an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of proof and recording of conveyances, and the canceling of mortgages;"

No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127;

No. 225, S., a bill for an act to amend chapter 345, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;

No. 231, S., a bill for an act to amend chapter 193, of the Private and Local Laws of 1859, entitled "an act to incorporate the village of Oconto;

No. 232, S., a bill for an act to amend section 2, chapter 140, Revised Statutes, entitled "of miscellaneous proceedings in civil actions, and general provisions;"

No. 268, S., a bill for an act to amend an act entitled "an

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act to amend an act entitled 'an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;'"

No. 273, S., an act regulating railroads;

No. 274, S., an act exempting certain property therein named from taxation.

I am further directed to inform you that the Assembly has amended and concurred in as amended,

No. 325, S., a bill for an act to amend an act in relation to public schools in the city of Watertown, and to repeal the act amendatory thereof;

And also, that the Assembly has indefinitely postponed

No. 42, S., a bill for an act to detach certain territory from the city of Racine, and to attach the same to the town of Mt. Pleasant, in the county of Racine;

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled of the publication of legal decisions;

No. 185, S., a bill for an act to authorize the formation of railroad corporations, and to regulate the same;

No. 195, S., a bill for an act to re-annex certain lands to the towns of Wauwatosa, Greenfield, Lake and Milwaukee, in the county of Milwaukee.

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

Sen. Curtis moved to amend the amendment to the sixth line of section 3, so that said line shall read as follows: "Book paper quire 24 by 36, weighing 40 lbs. to the ream, and of quality twenty-five per cent better than common print;"

And the motion was lost.

Sen. Curtis moved to reconsider the vote by which the Senate adopted lines 26, 27, 28 and 29, in sec. 3, of the bill;

And the motion was lost.

Sen. Curtis moved to amend the eleventh line of section 3, by striking out 30 cents, and inserting 25 cents;

And the motion prevailed.

Sen. Curtis moved that the bill be engrossed and printed;

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And the motion prevailed.

No. 235, S., a bill for an act to amend chapter 71, of the Revised Statutes, entitled "of the incorporation of Banking Associations;"

With an amendment.

Sen. Virgin moved to indefinitely postpone the bill

The ayes and noes were called for and ordered,

And the motion was lost by the following vote—ayes 12, noes 13.

Those who voted in the affirmative, were

Senators Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Seeley, Sweat, Taylor and Virgin —12.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Egan, Hanchett, Masters, Rodolf, Simpson, Stewart, Thurbur and Worthington—13.

The amendment was adopted.

Sen. Simpson moved to strike from section 1, the word "seven," and insert the word "eight;"

The ayes and noes were called for

And the motion prevailed—ayes 14, noes 13.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Burdick, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Simpson, Taylor, and Worthington—14.

Those who voted in the negative were

Senators Bartlett, Comstock, Cox, Curtis, Eagan, Ferguson, Fratt, Hanchett, Masters, Stewart, Sweat, Thurbur and Virgin—13.

Senator Virgin moved to lay the bill on the table;

The ayes and noes were called for,

And the motion was lost—ayes 11, noes 15.

Those who voted in the affirmative, were

Senators Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Simpson, Sweat, Taylor and Virgin—11.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Eagan, Hanchett, Hutchinson, Masters, Rodolf, Seeley, Stewart, Thurbur and Worthington—15.

The question being on ordering the bill engrossed for a third reading,

The ayes and noes were called for,

And it was so ordered—ayes 18, noes 11.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick,

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Comstock, Cox, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Thurbur, Washburn and Worthington—18.

Those who voted in the negative, were

Senators Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Sweat, Taylor and Virgin—11.

No. 9, S., a bill for an act to amend chapter 22, of the General Laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof, approved February 19th, 1859, concerning fees of advertising;"

Senator Comstock moved to refer the bill to the committee on Incorporations,

With instructions to so amend as to empower the county board of supervisors to let by contract to the lowest bidder (not exceeding the present rates allowed by law) the advertising referred to in this bill;

Senator Simpson moved to amend the instructions, so as to authorize the committee to amend the bill by striking out all after the enacting clause and insert as follows:

Section 1. Section one of chapter 87, of the General Laws of 1859, entitled "an act to amend section 59, of chapter 133, of the Revised Statutes, entitled of costs and fees" is hereby amended by striking out the word "sixty," where it occurs in said section one and insert in lieu thereof the word "fifty"; also, by striking out the "thirty" where it occurs in said section, and inserting instead thereof the words "twenty-five."

Section 2. This act shall take effect and be in force from and after its passage and publication.

And the motion prevailed.

Senator Taylor moved to further amend the instructions by adding thereto the following "Providing that the county board may have power to contract with persons for said printing, or let the same to the lowest bidder;"

And the motion prevailed.

The question then occurring on referring the bill to the committee on Incorporations with the instructions as amended, it was so referred.

Sen. A. I. Bennett moved to reconsider the vote by which the bill was referred to the committee on Incorporations;

Sen. Simpson moved to lay Sen. Bennett's motion on the table.

The ayes and noes were called for, and

The motion prevailed—ayes 15, noes 14.

Those who voted in the affirmative, were

Senators Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Simpson, Sweat and Thurbur—15.

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Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Hanchett, Rodolf, Seeley, Stewart, Taylor, Virgin, Washburn and Worthington—14.

On motion,

Senate adjourned till 4 o'clock this afternoon.

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4 o'clock, P. M.

Senate met.

Lieutenant Governor in the chair.

Roll called and quorum present.

Sen. Maxon moved to suspend the regular order of business, and proceed to the consideration of the report of the committee of the Whole;

And the motion prevailed.

REPORTS OF COMMITTEES.

The select committee to whom was referred

No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin Rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections," approved October 3, 1856;

Have had the same under consideration, and report the bill back with an amendment and recommend its passage.

M. M. DAVIS,
E. DECKER,
G. WASHBURN.

Sen. Davis moved to suspend all rules in order to put upon their passage the following bills:

No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the Fox and Wisconsin rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections," approved Oct. 3, 1856;

And

No. 325, S., a bill for an act to amend an act relative to public schools in the city of Watertown, and to repeal the act amendatory thereof;

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With an Assembly amendment.

The Senate concurred in the amendment to said bill

No. 325, S.

The question occurring on ordering to a third reading said bill

No. 605, S.,

It was so ordered, read and passed.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 308, A., a bill for an act to appropriate to the commissioners of the State Reform School, the sum of money therein named;

No. 589, A., a bill for an act to repeal chapter 268, of the Private Laws of 1856, entitled "an act granting the right to keep and maintain a ferry across the Mississippi river, in Buffalo county;"

No. 608, A., a bill for an act to incorporate the German Mutual Insurance Company of Milwaukee;

No. 609, A., a bill for an act to amend chapter 90, of Private and Local Laws of 1859, entitled "an act to authorize the Second Ward Cemetery Association of the city of Milwaukee, to sell and convey a certain portion of their land;"

I am further directed to inform you that the Assembly has concurred in the passage of

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney, the sum of $250;

No. 250, S., a bill for an act to appropriate to Joseph Giles the sum of $75;

No. 253, S., a bill for an act to authorize the School Land Commissioners to remit certain penalties;

No. 298, S., a bill for an act to exempt sewing machines from levy and sale on execution;

J. Res. No. 18, S., relating to Swamp Lands.

The following bills were amended and concurred in as amended:

No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards;

No. 64, S., a bill for an act to discontinue the survey and selection of swamp and overflowed lands within this State;

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No. 188, S., a bill for an act concerning the transcribing of records;

No. 36, S., a bill providing for Grand and Petit Jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, Revised Statutes.

I am also directed to inform you that the Assembly refuses to recede from its amendment to

No. 167, S., a bill for an act concerning bills of exchange and promissory notes;

And asks a committee of conference, Messrs. Elmore, Goodwin and Ordway, appointed on the part of the Assembly.

And further, that the Assembly insists upon its amendmten to

No. 218, S., a bill for an act to amend chap. 104, of the Private and Local Laws of 1858, relating to a certain State road therein named;

And asks a committee of conference, Messrs. Rankin, Mulholland and Boyd appointed on the part of Assembly.

The Assembly insists upon its non-concurrence to the Senate amendment: and asks a committee of conference on

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

And has appointed Messrs. Bouck, Cobb and Palmer as such committee, on the part of the Assembly.

The Assembly insists upon its non-concurrence to the Senate amendment to

No. 174, A., a bill for an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled "of the liens of mechanics and others;"

And has appointed Messrs. Ordway, Howland and Neville, such committee on the part of the Assembly.

I am further directed to present to you for signature the following bills which have been signed by the Speaker:

No. 85, S., a bill for an act to regulate and license the keeping of dogs;

No. 183, S., a bill for an act to promote the construction of horse-railways in the city of La Crosse;

No. 193, S., a bill for an act to amend chapter 30, of the Pri. vate and Local Laws of Wisconsin, for the year 1859, entitled "an act to amend an actto incorporate the village of Waukesha;

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled an act to authorize the common council of the city of Oshkosh, Wisconsin to aid in the construction of gas works in said city;

No. 230, S., a bill for an act to authorize school district No. 1, of the town of Jefferson, to raise a tax to build a school house;

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No. 238, S., a bill for an act authorizing the German Evangelic Lutheran Society of the village of Manitowoc, to re-organize and to change their corporate name, and to legalize the acts of said society;

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German "Der Turn Verein."

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature, the following bills which have been signed by the Speaker:

No. 172, S., a bill for an act to incorporate the village of Mauston;

No. 178, S.; a bill for an act to amend an act entitled "an act to amend chapter 299, of the Private and Local Laws for the year 1855, entitled 'an act to incorporate the Sugar River Valley Railroad Company;'"

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 251, S., a bill for an act to define and adjust certain portions of the contract for public printing;

With amendments.

The question being on the adoption of the amendments;

Sen. Hutchinson moved to lay the bill on the table;

Pending which,

Sen. Hotchkiss moved a call of the Senate, and

The call was sustained.

The roll was called, and

Sen. Hanchett was absent.

The Sergeant-at-Arms proceeded to summon Sen. Hanchett.

REPORT OF THE SERGEANT-AT-ARMS.

The Sergeant-at-Arms reports that all Senators are in their seats.

S. S. KEYES,
Asst. Sergeant-at-Arms.

The question then occurring on the motion to lay the bill on the table;

The ayes and noes were called for, and

The motion was lost—ayes 12, noes 18.

Those who voted in the affirmative were

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Senators Bartlett, Burdick, Comstock, Cox, Curtis, Davis, Hutchinson, Phillips, Stewart, Virgin, Washburn and Worthington—12.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Masters, Maxon, Rodolf, Seeley, Simpson, Sweat, Taylor and Thurbur—18.

Sen. Hanchett moved to amend the bill by striking out all after the enacting clause, and inserting a substitute which he then presented:

The question being on the adoption of the amendment, Sen. Davis moved to refer the bill and amendment to a select committee of three;

Withdrawn.

Sen. A. I. Bennett moved to commit the bill to the Committee of the Whole, and that the amendment of Sen. Hanchett be printed;

Pending which,

Sen. Hotchkiss moved to make the bill and amendment the special order for to-morrow, at 11 o'clock, A. M., and that the amendment be printed;

Sen. Davis moved to amend so that it will be made the special order for next Monday, at 4 o'clock, P. M.

The ayes and noes were called for;

And the motion was lost—ayes 9, noes 20.

Those who voted in the affirmative were

Senators Bartlett, Comstock, Cox, Davis, Eagan, Maxon, Seeley, Washburn and Worthington—9.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Curtis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurbur and Virgin—20.

Sen. Hutchinson moved to amend Sen. Hotchkiss' motion by striking out "11 o'clock, A. M.," and inserting in lieu thereof "4 o'clock, P. M."

And the motion prevailed.

The question then occurring on the adoption of Sen. Hotchkiss' motion as amended;

It was adopted.

Sen. Curtis moved that the Senate resolve itself into the committee of the Whole on the general file;

Withdrawn.

Sen. Maxon moved to take from the table bill

No. 290, A., a bill for an act to appropriate to Hitchcock & Co. the sum of $1,242 25;

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Senator Virgin moved to lay the motion on the table;
Ruled out of order.
The question occurring on the motion of Senator Maxon;
It prevailed.
The question then being on reconsidering the vote by which the Senate refused to order to a third reading, said bill
No. 290, A.,
It was reconsidered;
And the bill was ordered to a third reading.
Senator Curtis moved that the Senate resolve itself into committee of the whole on the general file;
And the motion was lost.
Senator Maxon moved that all rules be suspended in order to put upon their passage the following bills:
No. 290, A., a bill for an act to appropriate to Hitchcock & Co., the sum of $1,242 25;
No. 52, A., a bill for an act to authorize William Knowles, his associates or assigns, to build and maintain a dam across the Pecatonica river;
No. 128, A., a bill for an act to repeal chapter 124 of the general laws of 1858, entitled an act conferring jurisdiction on the county court of Columbia county;
No. 350, A., a bill for an act to authorize tho Commercial Bank to reduce its capital stock, and remove its place of business;
And,
No. 584, A., a bill for an act to extend the time for the collection of a special tax in that part of Joint School District No. 9, in the towns of Fox Lake and Cortland being in the town of Fox Lake.
A division of the question was called for and ordered;
The question being on a suspension of the rules, on said bill,
No. 290 A., the Senate refused to suspend the rules;
Sen. Gill moved that the Senate do now adjourn, and
The motion was lost.
The question then being on suspending the rules on said bill,
No. 52, A., the Senate refused to suspend them.
The question then being on suspending the rules on said bill,
No. 128, A., the Senate refused to suspend them.
On motion of Sen. Masters,
The Senate adjourned.

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FRIDAY, March 23, 9 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Prayer by the Rev. Mr. Britton.
Roll called and quorum present,
Reading of journal of yesterday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Simpson:

No. 341, S., a bill for an act to change the name of Thomas Brown to Thomas Henderson Jefferson;

To general file.

By Sen. Virgin:

No. 342, S., a bill for an act to amend an act entitled an act to appropriate the islands in the Wisconsin river between a line running parallel with the fourth principal meridian, ten miles east thereof, and a line running parallel with said meridian, nine miles west thereof, to the Muscoda and Richland Bridge Company;

On motion of Sen. Virgin,

All rules were suspended in order to put upon their passage said bill

No. 342, S.,

And the following

No. 584, A., a bill for an act to extend the time for the collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled "an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;"

No. 249, S., a bill for an act to define the qualification of electors in certain cases;

No. 52, A., a bill for an act to authorize William Knowles, his associates or assigns, to build and maintain a dam across the Pecatonica river;

No. 284, S., a bill for an act to grant a certain island in the Wisconsin river to Orestes Garrison and H. W. Jackson;

With an amendment.

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No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections;

With amendments.

No. 164, S., a bill for an act for the protection of religious assemblies;

No. 128 A., a bill for an act to repeal chapter 124, of the General Laws of 1858, entitled "an act conferring jurisdiction on the county court of Columbia county."

The question occurring on ordering to a third reading said bill

No. 584, A.,

It was so ordered and read.

On the passage of the bill,

The ayes and noes were called for, and

The bill was passed—ayes 23, noes 1.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Phillips, Rodolf, Simpson, Sweat, Thurbur, Washburn and Worthington—23.

Senator Maxon voted in the negative.

The question occurring on ordering to a third reading, said bill,

No. 128, A.,

The ayes and noes were called for, and

It was so ordered—ayes 14, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Hutchinson, Masters, Phillips, Rodolf, Seeley, Stewart, and Worthington—14.

Those who voted in the negative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Sweat, Taylor, Thurbur, Virgin, and Washburn—13.

The bill was then read the third time.

The question occurring on the passage of the bill,

The ayes and noes were called for, and

The bill was passed—ayes 17, noes 12.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Fratt, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart and Worthington—17.

Those who voted in the negative, were

Senators Decker, Ferguson, Gill, Hanchett, Hilgen,

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gen, Hotchkiss, Maxon, Sweat, Taylor, Thurbur, Virgin, and Washburn—12.

The question occurring on ordering to a third reading, said bill,

No. 52, A.;

Sen. Stewart moved to refer the bill to a select committee of three;

The ayes and noes were called for, and

The Senate refused to so refer the bill—ayes 8, noes 17.

Those who voted in the affirmative were

Senators Cox, Curtis, Egan, Hanchett, Masters, Stewart, Washburn and Worthington—8.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Decker, Ferguson, Fratt, Gill, Hilgen, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Virgin—17.

Sen. Stewart moved to indefinitely postpone the bill, and

The motion was lost.

The question occurring on ordering the bill to a third reading:

The ayes and noes were called for and

The bill was so ordered—ayes 19, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Decker, Ferguson, Fratt, Gill, Hilgen, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur, Virgin and Worthington—19.

Those who voted in the negative were

Senators Cox, Curtis, Egan, Hanchett, Masters, Seeley, Stewart, and Washburn—8.

The bill was then read the third time and passed.

Sen. Gill moved to indefinitely postpone bill

No. 164, S.;

The ayes and noes were called for

And the motion was lost—ayes 8, noes 16.

Those who voted in the affirmative were

Senators Cox, Gill, Hilgen, Maxon, Seeley, Simpson, Sweat, and Thurbur—8.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Decker, Eagan, Fratt, Hanchett, Masters, Stewart, Taylor, Virgin, and Worthington—16.

Sen. Gill moved to commit the bill to the Committee Whole;

Pending which,

Sen. Maxon, moved to postpone the consideration of the bill this afternoon, and

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The motion was lost.

The question occurring on Sen. Gill's motion;

Sen. Virgin moved the previous question,

And the call was not sustained.

The question recurring on Sen. Gill's motion,

It was lost.

The question then occurring on ordering the bill to a third reading;

Sen. Cox moved to amend the bill by striking out the words, "camp" and "religious" wherever they occur in the bill.

Sen. Ferguson moved to lay the amendment on the table;

The ayes and noes were called for,

And the motion was lost—ayes 10, noes 16.

Those who voted in the affirmative, were

Senators Decker, Eagan, Ferguson, Gill, Hilgen, Maxon, Rodolf, Seeley, Sweat and Thurbur—10.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Hanchett, Masters, Simpson, Taylor, Virgin, Washburn and Worthington—16.

The question then occurring on Senator Cox' motion;

It was lost.

Senator Simpson moved to amend by striking out the words "or other thing," in section one of the bill;

And the motion was lost.

Senator Taylor moved to amend section 1, by striking out the word "and" where it occurs between the words "licensed" and "established," and insert in lieu thereof the word "or;"

And the motion prevailed.

Senator Worthington moved to amend the bill by inserting in Section 1, the words "dwelling house," between the words "any" and "regularly;"

And the motion prevailed.

The question occurring on ordering the bill to a third reading,

The ayes and noes were called for,

And it was so ordered—ayes 15, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Fratt, Masters, Phillips, Simpson, Stewart, Taylor, Virgin, Washburn and Worthington—15.

Those who voted in the negative were

Senators Cox, Decker, Ferguson, Gill, Hilgen, Maxon, Rodolf, Seeley, Sweat and Thurbur—10.

The question occurring on the passage of the bill,

The ayes and noes were called for,

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And the bill was passed—ayes 14, noes 9.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Fratt, Masters, Phillips, Simpson, Stewart, Taylor, Virgin and Worthington—14.

Those who voted in the negative were

Senators Cox, Decker, Ferguson, Gill, Hilgen, Maxon, Seeley, Sweat and Thurbur—9.

Senator Seeley moved to amend the title of the bill so that it shall be as follows:

No. 164, S., a bill for an act for the protection of camp meetings and other religious assemblies;

And the motion prevailed.

The amendment to

No. 350, A.,

Was adopted, and the bill

Ordered to a third reading, read, and passed

The amendments to bill

No. 201, S.,

Were adopted,

The bill ordered to a third reading, read and passed.

Said bills

Nos. 342, 311, 249, and 284, S.,

Were ordered to a third reading, read and passed.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Rodolf:

Res. No. 87, S.,

Resolved, by the Senate, that the committee on State Affairs, be instructed to report back to the general file

No. 330, S.;

Laid over.

Sen. Rodolf moved to refer said bill

No. 330, S.,

To the committee on Incorporations, with instructions to report as soon as convenient;

And the motion prevailed.

By Sen. Rodolf:

Res. No. 88, S.,

Resolved by the Senate, That the Superintendent of Public Property be, and is hereby instructed to purchase the Governor's Message in German, Norwegian Holland, and Welsh languages, just distributed to Senators, at a price not to exceed three cents per copy.

Senator Hutchinson moved to amend by inserting "one cent" instead of "three cents," and the motion prevailed.

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Senator Hutchinson moved to lay the resolution on the table.

The ayes and noes were called for, and

The motion prevailed, ayes 14, noes 14;

The President voting in the affirmative.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hanchett, Hutchinson, Phillips, Seeley, Stewart, Virgin and Washburn—14.

Those who voted in the negative were

Senators Comstock, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Worthington—14.

No. 86, S.,

Resolved, That the Attorney General be requested to inform the Senate, whether, in his opinion, the provisions of Senate bill No. 251, materially change the terms of the contract between the State and the State Printer for doing the Public Printing, and if so, in what respect and to what extent.

Also, whether, under the Constitution, requiring the printing to be let to the lowest bidder, it is in the power of the Legislature to change the terms of an existing contract;

Which was yesterday introduced and laid over;

Was adopted.

BILLS INTRODUCED ON LEAVE,

Read first and second time and referred:

By Sen. Comstock:

No. 343, S., a bill for an act to authorize the Secretary of State to audit certain accounts;

To committee on Claims.

By committee on Banks and Banking:

No. 344, S., a bill for an act to authorize the Chippewa Bank to reduce its capital;

To general file.

By Sen. Worthington:

No. 345, S., a bill for an act to appropriate the sum of $4,000 for the purchase of stationery for the use of the State Officers and the Legislature for the ensuing year;

To the committee on Claims.

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REPORTS OF COMMITTEES.

Report of joint committee of Education, to whom was referred

J. Res. No. 16, A.,

Resolved, by the Assembly, the Senate concurring, That the standing committee on Education, School and University Lands, of the House, and the standing committee on Education, School and University Lands, of the Senate, be, and act as a joint committee for the purpose of considering the matter of the State University, and that such joint committee be instructed to inquire into the condition of the State University, its prospects of usefulness for the citizens of the State, the state of its finance, its resources, amount and character of its indebtedness, and report such other information as may be of interest to the members of this Legislature, and also what further legislation (if any) in their opinion may be necessary in relation to said institution.

The fund of the University on the 30th September, 1859, was $303,923 60, which bears an income of seven per cent., from which, however, not exceeding $20,000 can be estimated annually, and an estimated income of $1,500 from tuition.

The permanent indebtedness of the institution is:

Amount loans from school fund,	$30,000 00
University Fund,	24,110 00
General Fund,	10,000 00
J. D. Ledyard,	5,000 00
	$69,110 00

Floating Indebtedness.

Amount of outstanding warrants issued to aid in the erection of the main edifice or hall of the University, payable eight months after date, bearing interest at ten per cent. per annum, and int. due on same,	$23,183 00	
Balance due contractor,	612 00	
Amount due individuals, (estimated,)	1,500 00	
		$25,295 45
Total indebtedness,		$94 405 45

Annual Expenditures.

Salaries—Chancellor,	$1,500 00
Six Professors,	7,250 00
One Tutor,	750 00
Janitor,	240 00
Secretary,	250 00
Instruction in Preparatory Department,	500 00
	$10,490 00

The floating indebtedness accrued in the main by the failure to receive a loan authorized by act of 1857, and the erection of

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a hall seems to have been undertaken upon the expectation of receiving this amount.

The Board of Regents estimate the incidental expenses including interest on indebtedness at $10,612 70, making total annual expenses of $21,102 70.

To meet this, there is the estimated annual income of $21,-500.

These expenses your committee think might be materially reduced. It would seem that there was a greater instructional force than is demanded by the number of pupils in attendance. The duties should be increased, and the number diminished. We are happy to be able to report that the Board of Regents have already taken action in the proper direction.

It is idle to say that this Institution has met public expectation. Friends and foes have contributed to this result. The former have not always been discreet—the latter not always honorable. The prosperity of the University *as an institution of learning* has not always been the ruling motive of either; local and personal considerations have entered into the calculations of both. There has been too few zealous in its support, seeking its highest capacity for usefulness. But notwithstanding this, there is enough of it to be made the pride and glory of the State. It can lead the educational interests of our people to a high and noble development. Let the idea be discarded, that because it has a meagre endowment it must be self-sustaining, and has no need of that individual sympathy and interest which must rally around other institutions.

There have been mistakes in the past, but there are abundant grounds for hope in the future. With the accession of Chancellor Barnard, a new era seems to have dawned upon its prospects. His views and policy are eminently practical, and such as, if sustained by the Legislature and public opinion, must adapt it more to the interests and feelings of the people, instead of being alien to them. He has removed the universal and well founded objection—that it was a local high school supported by the State—by removing the students and studies which constitute the preparatory Department into the public High School of Madison. Such a connection might have been justifiable when no other students demanded its resources; but it should not exist in the future. With this modification, and the high, moral tone which pervades the instruction and the discipline, and the proper impulse given by his exertion in the normal department, and with his devotion and experience coming into contact with the masses of the people, we can say that it is the duty and the interest of the Regents and the Legislature, to sustain him by every legitimate encouragement.

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About $85,000 have been expended in the erection of buildings. We cannot say that these expenditures were wise or proper. They were far in advance of its educational demands, and the income was seriously encumbered, and its efficiency impaired, by the heavy interest paid. But we find no special extravagance in the buildings themselves; the Hall particularly, was economically if not wisely built. And the institution is now admirably adapted to meet the wants of the public. Indeed, with the exceedingly able corps of instructors, and the facilities for instruction, the economy of attendance, and beauty of location, we have no hesitation in saying, that with true friends to rally around it, it must take a front rank among such institutions.

The Regents, in their memorial, ask that the commissioners may be authorized to issue University bonds to the amount of $30,000, bearing seven per cent. interest, redeemable out of their annual income, to take up their floating debt, and to fit up the Hall for occupancy; and to apply the remainder, if any, to an outstanding loan. As the debts now exist, and are drawing a higher rate of interest, we can see no serious objection to this course, and we herewith report a bill for that purpose, prohibiting the sale of such bonds, however, at less than par.

The Regents also ask an extension of the time for the setting apart of a sinking fund for the payment of a loan to the common school fund, made in 1850, as the same interest is paid as by other borrowers, and the security is undoubted, and as the Legislature has extended the time for payments of principal and interest due from the purchasers of their lands, we can see no objection to this course; and we also report a bill for that purpose.

Whatever defects may be found in its history, we have no hesitation in saying that "its prospects of usefulness for the citizens of the State," are most encouraging, if proper sympathy is extended to the policy of Chancellor Barnard, and the needed legislation is granted. We only wonder that its past has not been more successful; and find the solution only in its isolation, from the great mass of the people, and the universal conviction that as the State is its patron, no other is needed.

We cannot repress the conviction that its present system of connection with the State is unfortunate for both, and the decree of divorce would be attended with the happiest results.—It needs no extended observation to see that State Institutions fall far behind those managed and controlled by the citizens, in every element of prosperity and usefulness; and the reason is there is more individualism, more personal interest, watchful-

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ness and responsibility attached to the latter. We can find nothing in the grant or in the constitution of the State requiring the perpetuity of this union; it is only necessary that the fund arising from the sale of the lands, shall be applied to the support of "a University at or near the seat of government;" Would it not be competent for the State to create an educational corporation in which should vest this fund, and the management and control of the University limited to the purposes of the grant, upon raising by stock subscription or scholarships, a sum equal thereto, or upon other proper conditions? Or if advisable, the State might retain a representation in its board; but by some such means it seems to us a new vitality might be given to it. We propose no legislation in this direction, but wish to call attention to it.

The committee would most earnestly recommend to the Board of Regents the creation of prize scholarships, which would entitle the industrious and successful student to free tuition. The increasing usefulness, by bringing free instruction of so high a grade within the reach of the humblest, and at the same time furnishing a noble stimulous for exertion, the reward and benefits of which would have no humiliation of charity attending it, extending the sympathizing hand to the student struggling with adversity, and with a stout heart winning his way to an honorable position, will more than compensate the trifle received from them. The noblest example of manhood upon which the eye of the legislator can rest, is he who rolls back, with a resolute will, every obstacle, and, with his strong hand, carves every nich upon which his foot may rest. Let us extend the sympathy and aid within our power.

Respectfully submitted,

B. E. HUTCHINSON,
BEN. FERGUSON,
M. M. DAVIS,
Senate Committee.
EDWARD D. HOLTON,
WM. W. BLACKMAN,
C. G. MEIGS,
M. B. PATCHIN.
Assembly Committee.

I hereby concur in all the above report, except that part that relates to the "decree of divorce."

JAMES CHILD.

To the Honorable, the Legislature of Wisconsin:

The Memorial of the undersigned, Regents of the State University, would respectfully represent:

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That by an act of the Legislature, entitled "an act providing for the erection of the main edifice of the State University," approved Feb. 28th, 1857, the commissioners of School and University lands, were authorized to loan to your memorialists, from the principal of the University Fund, the sum of forty thousand dollars, to be by them used in the erection of the central building, or Hall of said institution. That in pursuance of said loan, and by authority of law, they procured plans and proceeded to let out a contract for the erection of said building, relying upon receipts from said appropriation to meet the obligations so incurred by contract. That with great effort, and after much difficulty and embarrassment, they have finally completed said building, but having received less than one fifth of the loan so authorized, it has left on their hands a large floating debt to be provided for, in consequence of the non-receipt of said appropriation. That owing to the financial pressure, and a desire not to be instrumental in forcing the collections of loans due them on Mortgage securities, your memorialists have deemed it more prudent and safe to apply to you honorable body for authority to issue, through the Commissioners of the School and University lands, bonds bearing interest at the rate of seven per cent. per annum, to be sold at par value, payable twenty years after date, in the sum of thirty thousand dollars, to pay up the present indebtedness, and enable them to furnish said building and fit it for the use of the several departments, as contemplated by your memorialists and the Legislature; and to create and set part a sinking fund at the same time, for the ultimate payment and liquidation of said loan. For more full and complete information, reference is respectfully made to the accompanying resolutions, adopted by the Board of Regents at their last meeting, and to the statement hereto attached. And your memorialists would pray, &c. &c.

HENRY BARNARD,
N. W. DEAN,
L. B. VILAS,
L. P. HARVEY,
O. M. CONOVER,
Executive Com. of Board of Regents.

At a meeting of the Board of Regents of the University of Wisconsin, held on the 21st and 23d days of February, 1860, the following resolutions, introduced by Regent Dewey, were unanimously adopted:

Resolved, That the Executive Committee, in the name of the Board of Regents, is hereby requested and instructed to memorialize the Legislature of this State at its present session, to

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continue to the University the loan of twenty-five thousand dollars made in 1850, for the period of ten years longer; *Provided*, That the Board of Regents be directed by the same act of the Legislature, continuing the said loan, to appropriate the sum of $2,500 of its annual income to extinguish its present debt, in addition to the present and yearly current interest on the said debt.

Resolved, That for the purpose of funding the floating debt of the University, and taking up the loan of five thousand dollars to J. D. Ledyard, the executive committee is hereby instructed to memorialize the Legislature in the name of the Board of Regents, to authorize and direct the Commissioners of School and University Lands to issue bonds to the amount of thirty thousand dollars ($30,000), redeemable out of the income of the University fund within twenty years, at seven per cent. interest, payable semi-annually by the State Treasurer, at the State Treasurer's office, or in New York, and to set apart a sinking fund out of said income, to redeem the principal of said bonds; the said bonds to be sold at not less than their par value; or that the Legislature afford some other relief for the the funding of said floating debt, and that said committee also set forth in said memorial, the approximate amount of its permanent debt, its annual income, annual interest, and annual current expenses.

Financial Statement.

In accordance with the foregoing resolution, the Executive Committee, in behalf of the Board of Regents, respectfully submits the following statement, as being an approximate exhibit of the permanent and floating indebtedness of the University, its annual income and resources, annual interest and annual current expenses.

Permanent Indebtedness.

Amount of Loans from School Fund,	$30,000 00
....do.....do .....University Fund,	24,110 00
....do.....do.....General Fund,	10,000 00
....do ...Loan from J. D. Ledyard,	5,000 00
	$69,110 00

Floating Indebtedness.

Amount of Outstanding Warrants, issued to aid in the erection of the Main Edifice or Hall of the University, payable eight months after date, bearing interest at ten per cent. per annum, and interest due on same,	$23,183 00
Balance due Contractor,	612 45
Amount due to individuals, (estimated),	1,500 00
	$25,295 45

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ANNUAL EXPENDITURES.

Fixed Salaries.

Chancellor,	$1,500 00
Six Professors,	7,250 00
One Tutor,	750 00
Janitor,	240 00
Secretary,	250 00
Instruction in Preparatory Department,	500 00
	$10,490 00

Incidental Expenses.

Wood,	$1,000 00	
Per diem and mileage of Regents,	250 00	
Contingent Expenses and Repairs,	800 00	
Printing and Publishing,	200 00	
Postage and Stationery,	25 00	
Library	300 00	
Insurance,	400 00	
Laboratory and Scientific Department,	250 00	
Estimated interest on unfunded indebtedness,	2,500 00	
Interest on permanent indebtedness,	4,887 70	
		10,612 70
Total,		$21,102 70

Resources.

Annual Income Fund, (estimated),	$20,000 00
Annual Fees from Students,	1,500 00
Total,	$21,500 00

Should the Legislature grant the request of the Board set forth in the above memorial, there will be an additional annual expense chargeable upon the income, equal to the amount of the sinking fund which they may require. To meet this charge, the Board of Regents will be obliged to make a corresponding reduction in the current expenses.

The committee to whom was referred

No. 302, S., a bill to provide for the management of the public schools in the city of Milwaukee,

Have had the same under consideration, and report it back with an amendment, and recommend its passage when so amended.

COMSTOCK,
EGAN.

The committee on Engrossed Bills respectfully report that they have examined and compared the following bills, and find the same correctly engrossed:

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No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

No. 235, S., a bill for an act to amend chapter 71 of the Revised Statutes, "of the incorporation of banking associations."

COMSTOCK, *Ch'n.*

The committee on State Affairs, to whom was referred

No. 323, S., a bill for an act to establish terms of the circuit court in the counties of Crawford and Buffalo, in the sixth judicial circuit,

Report the same back, and recommend its passage.

HUTCHINSON, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred

No. 223, S., a bill for an act to amend an act entitled an act to make a temporary loan to the State University, approved March 21, 1859,

Have had the same under consideration, and report the same back, with the recommendation that it pass;

Also,

No. 336, S., a bill for an act to amend section 30, of chap. 23, of the Revised Statutes, entitled of common schools;

And report the same back with the recommendation that it pass. HUTCHINSON, *Ch'n.*

The joint committee on Claims, to whom was referred

No. 329, S., a bill for an act to appropriate to Nelson Mo Neal the sum of $1,577 31;

Have had the same under consideration. Mr. McNeal claims that he has suffered loss, on account of State Scrip, received on his monthly estimates for the construction of the main building of the State Hospital for the Insane. The committee have had the same subject before them once before, during this session, in the shape of an account, for a larger sum than is now claimed. Your committee was unable to discover any legal claim of Mr. McNeal against the State at that time, and not having time to investigate the matter, reported said account to the Senate, with a recommendation that it be referred to a select committee, which report was dopted.

The select committee reported that discount had been paid on script to the amount of $1,577 31. Your committee believe, that though there may seem to be an equitable claim, the State should not be held responsible to pay discount upon its paper,

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especially when the Legislature had made ample appropriations to meet all demands for building its public buildings, and more especially in this case, for the reason that Mr. McNeal has received a large amount of money from the State, more than he was entitled to under his contract, as the report of the commissioners show, and it is fair to presume that his pay was ahead of his work under his contract.

Experience has clearly demonstrated the fact, that demands against the State, lose nothing by delay, but too frequently improve by age, until they gain strength enough to secure their payment, if the claims have merit, and sometimes without.

Your committee have unanimously directed me to report said bill to the Senate with a recommendation that it be indefinitely postponed.

Respectfully submitted.

Z. P. BURDICK, *Ch'n.*

The joint committee on enrolled bills report that on the 23d inst., they presented the following bills to the Governor, for his approval, to wit:

No. 85, S., a bill for an act to regulate and license the keeping of dogs;

No. 178, S., a bill for an act to amend an act entitled an act to amend chapter 299, of the Private and Local Laws for the year 1855, entitled "an act to incorporate the Sugar River Valley Railroad Company;

No. 172, S., a bill for an act to incorporate the village of Mauston;

No. 238, S., a bill for an act authorizing the German Evangelic Lutheran Society of the village of Manitowoc to reorganize, and to change their corporate name, and to legalize the acts of said society.

No. 239, S., a bill for an act to incorporate the Manitowoc Gymnastic Association, called in German, *Der Turn Verein;*

No. 230, S., a bill for an act to authorize school district No. 1, of the town of Jefferson to raise a tax to build a school house;

No. 220, S., a bill for an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city.

The joint committee on Enrolled Bills, report that on the 22d inst., they prosented to the Governor for his approval the following bills, viz:

No. 47, S., a bill for an act to incorporate the Green Bay Gas Light Company;

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No. 50., S., a bill for an act to legalize the assessment of taxes in the county of Walworth;

No. 59, S., a bill for an act to amend chapter 79, of the Revised Statutes, passed 1858, entitled "railroad;"

No. 139, S., a bill for an act relating to the duties of register of deeds;

No. 142, S., a bill for an act relating to the La Crosse county court;

No. 147, S., a bill for an act to amend an act entitled "an act to consolidate and amend an act to incorporate the city of Oshkosh, and the several acts amendatory thereto;

No. 150, S., a bill for an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed, of proof and recording of conveyances, and the canceling of mortgages;"

No. 222, S., a bill for an act relating to the public schools in the city of Oshkosh;

No. 224, S., a bill for an act to appropriate to Hugh Campbell the sum of $127;

No. 225, S., a bill for an act to amend chapter 345, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Black Earth;"

No. 231, S., a bill for an act to amend chapter 193, of the Private and Local Laws of 1859, entitled "an act to incorporthe village of Oconto;"

No. 232, S., a bill for an act to amend section 2, chapter 140 Revised Statutes, entitled "of miscellaneous proceedings in civil actions, and general provisions;"

No. 268, S., a bill for an act to amend an act entitled "an act to amend an act entitled 'an act to consolidate and amend the act to incorporate the city of Kenosha, and the several act amendatory thereof;"

No. 273, S., a bill for an act regulating railroad;

No. 274, S., a bill for an act exempting certain property therein named from taxation."

GEO. BENNETT, *Sen. Com.*
C. MILLER, *Ass. Com.*

The committee on Enrolled Bills report that they have examined

No. 172, S., a bill for an act to incorporate the village of Mauston, Juneau county;

Also,

No. 178, S., a bill for an act to amend an act, entitled an act to amend chapter 299, of the Private and Local Laws, for the

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year 1855, entitled an act to incorporate the Sugar River Valley Railroad Company;

And find the same correctly enrolled.

GEO. BENNETT, *Ch'n.*

The committee on Banks and Banking, report back

No. 466, A., a bill for an act to reduce the capital stock of the Oshkosh Commercial Bank;

And recommend its passage.

Also,

No. 38, S., a bill to authorize the Bank of Oconto, the Tradesman's Bank, St. Croix River Bank, the Oakwood Bank, and the Chippewa Bank, to reduce their capital;"

And recommend its indefinite postponement, other bills having been introduced to effect the objects of the bill.

They further report back

No. 86, S., a bill for an act to authorize the Sauk City Bank to reduce its capital;

And recommend its indefinite postponement, said bank not having reduced its circulating notes to the amount named in the bill.

The committee herewith introduce

No. —, S., a bill for an act to authorize the Chippewa Bank to reduce its capital.

D. WORTHINGTON, *Ch'n.*

The select committee to whom was referred

No. 380, A., a bill for an act prescribing the place of filing chattle mortgages on certain classes of property;

Have had the same under consideration and recommend its passage.

G. W. WASHBURN,
E. L. PHILLIPS.

The committee on Printing to whom was referred

No. 334, A., a bill for an act to provide for publishing the returned and Treasurer's lists, in certain towns in Sauk county, in the Pioneer and Wisconsin;

Have considered the same. We are equally divided as to the propriety of passing this bill. One is in favor and the other opposed to its passage.

H. W. CURTIS, *Ch'n.*

The committee on Finance, to whom was referred bill

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No. 484, A., in relation to tax on school, university and swamp lands;

Report the same back, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on the Judiciary, to whom was referred

No. 583. A., a bill for an act to organize Shawanaw county for judicial purposes;

No. 327, S., a bill for an act to amend section 61, chapter 28, of the Revised Statutes, entitled of school and university lands;

No. 328, S., a bill for an act to amend section 17, of chapter 6, of the Revised Statutes, entitled of public printing, and the publication and distribution of statutes and other public documents;

No. 337, S., a bill for an act in regard to testimony and witnesses;

No. 304, S., a bill for an act to amendchapter 157, of the Revised Statutes, entitled of actions against the State;

No. 303, A., a bill for an act to enable the city of Fond du Lac to settle with its bondholders;

No. 368, A., a bill for an act to facilitate the collection of judgments;

No. 426, A., a bill for an act to amend section 21, of chapter 134, Revised Statutes, entitled of executions and proceedings supplemental thereto;

No. 459, A., a bill for an act to amend section 37, of chapter 132, of the Revised Statutes, entitled of issues, mode of trial, and judgments in civil actions;

No. 338, S., a bill for an act providing for a salary for the clerk of the circuit court for the county of Milwaukee, in lieu of the fees now allowed by law;

No. 492, A., a bill for an act to amend chapter 181, of the General Laws of 1859, entitled an act concerning the amendment of pleadings;

Have instructed to report the same back, and recommend their passage.

No. 541, A., a bill for an act to change the name of Martha Phenn, and establish her guardianship and heirship;

Report the same back without recommendation.

Also,

No. 534, A., a bill for an act to amend chapter 9, of the Revised Statutes, entitled of the Legislature, and also acts of a general nature of 1858, incorporated therein;

And report the same back, and recommend its reference to the committee on State Affairs.

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Also,

No. 438, A., a bill for an act to amend section 88, of chapter 134, Revised Statutes, entitled of executions and proceedings supplementary thereto;

And recommend that the same be indefinitely postponed.

HANCHETT.

Minority report of the committee on Militia, to whom was referred the communication of the Governor, asking for a change in the militia laws, beg leave to submit the following report:

The Governor seems to have forgotten that Wisconsin is a State of the Union, or else the provisions of the constitution of the United States.

Section 8, of article 1, of the Federal Constitution, provides that Congress shall have power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and to repel invasions; to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Section 2, of article 2, of the same constitution, provides that "the President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into actual service of the United States."

In pursuance of these powers and duties, Congress has, from time to time, passed acts organizing the militia, beginning with the acts of 1792 and 1795, both approved and signed by Washington.

The latter act provides, that in case of invasion, or threatened invasion of the United States, and on certain requisition, in case of an insurrection against a State government, the President shall have power, in his discretion to call out the militia of the States.

The act proceeds to provide that "whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be fawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed, &c.

"The militia employed in the service of the United States,

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shall be subject to the same rules and articles of war as the troops of the United States."

If any doubt could exist of the plain constitutionality of the act, it was decided to be constitutional by the supreme court of the United States, in the case of "Menther vs. Mott," 12 Wheaton's reports, 19.

So that we find, that in case of the militia being called out by the United States, *they are bound to obey*, and are, to all intents and purposes, United States troops for the time being, and the President is their commander-in-chief.

The framers of the chapter 31, of the Revised Statutes, of which the Governor complains, were more conversant with the relations of the militia of the United States, or had more regard for them, than the Governor, when they provided that the Governor should not be commander-in-chief of the militia of this State, when called into the service of the United States.

Nearly all of the militia of this State, if not all, who are actually armed, are armed with the arms of the United States, furnished by the United States, to this State as a trustee, to arm the militia, under the acts of Congress, of 1808 and 1816.

The trouble in the Governor's mind, seems to be the alleged opinion of the captain of a uniform company of the militia, that it would not be his duty to turn the arms of the United States, held by his company, against the authorities of the United States, to oppose the execution of the laws of the United States.

This was, substantially, *a refusal to be guilty of treason against the United States.* A refusal of the officer to *violate his oath* to support the constitution of the United States. And the act of the Governor, in cashiering the officer for such a declaration, and disbanding his company, who had no part in his declaration, does not inspire such a confidence in his civil or military judgment, as would warrant a violation of the constitution of the United States, to make him the superior officer of the President of the United States.

Your committee therefore recommend that no change be made in the existing militia laws of this State.

All of which is respectfully submitted.

M. J. EGAN,
Ch'n. Sen. Com. on Militia.

Messrs. Bartlett and Phillips dissenting.

The committee on Town and County Organization to whom was referred

No. 335, S., a bill for an act to legalize the acts of the County Board of Supervisors of Manitowoc county, for the year of 1859;

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Have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage.

N. H. VIRGIN, *Ch'n.*

The committee on Incorporations, to whom was referred

Bill 299, S., a bill for an act to amend section 12, chapter 3, of an act entitled an act to incorporate the city of Prescott, approved March 9th, 1857;

Report the same back with amendment, and recommend its passage when so amended.

M. W. SEELEY, *Ch'n.*

The committee on Incorportions, to whom was referred

No. 452, A., entitled a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad Company;

Have considered the same and amended it, and when so amended recommend that it do pass.

Also,

No. 429, A., entitled a bill for an act to amend an act to incorporate the city of Sheboygan, and the several act amendatory thereof;

And,

No. 444, A., entitled a bill for an act to incorporate the Tyrone Lake Canal Company;

And,

No. 418, A., entitled, a bill for an act to amend an act entitled an act to incorporate the village of Waterloo, approved March the 15th, 1859;

Have considered the same and recommend their passage.

SEELEY, *Ch'n.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 308, A., a bill for an act to appropriate to the commissioners of the State Reform School the sum of money therein named;

To general file.

No. 521, A., a bill for an act to amend an act entitled "an act to incorporate the city of Racine, in the county of Racine," approved August 8th, 1848, and the act amendatory thereof;

Referred to Senator Fratt.

No. 609, A., a bill for an act to amend chapter 90, of the Private and Local Laws of 1859, entitled "an act to authorize the

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Second Ward Cemetery Association, of the city of Milwaukee, to sell and convey a certain portion of their lands;

To committee on Incorporations.

No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards;

With an Assembly amendment;

Were, on motion of Senator A. I. Bennett, referred to the committee on Railroads;

No. 188, S., a bill for an act concerning the transcribing of records;

With an Assembly amendment;

The amendment was concurred in.

No. 218, S., a bill for an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State road therein named;

With the request of a committee of conference.

The Senate receded from its non-concurrence in the Assembly amendment.

No. 174, A., a bill for an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled of the liens of mechanics and others;

With the request of a committee of conference.

Senators Curtis and A. I. Bennett were appointed on the part of the Senate.

No. 167, S., a bill for an act concerning bills of exchange and promissory notes;

With the request of a committee of conference.

Senators Worthington and Washburn were appointed on the part of the Senate.

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

With the request of a committee of conference.

Senators Rodolf and Seeley were appointed on the part of the Senate.

No. 64, S., a bill for an act to discontinue the survey and selection of swamp and overflowed lands within this State;

With Assembly amendments.

Senate concurred in the amendments.

No. 589, A., a bill for an act to repeal chapter 268, of the Private Laws of 1856, entitled an act granting the right to keep and maintain a ferry across the Mississippi river, in Buffalo county;

To committee on Roads, Bridges and Ferries.

No. 608, A., a bill for on act to incorporate the German Mutual Insurance Company of Milwaukee;

To committee on Incorporations.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 200, S., a bill for an act to amend chapter 160, of the General Laws of 1859, entitled an act to prescribe and limit the rate of interest.

I am also directed to inform you that the Assembly has passed

No. 521, A., a bill for an act to amend an act entitled an act to incorporate the city of Racine, in the county of Racine, and the several acts amendatory thereof;

And asks the concurrence of the Assembly in the same.

I am also directed to present to you for signature the following bills which have been signed by the Speaker;

No. 61, A., a bill for an act to amend chapter 40, of the Local Laws of 1859, entitled "an act to authorize the city of Milwaukee to assess water rents;"

No. 180, A., a bill for an act to amend section 1, of chapter 178, of the General Laws of 1859, entitled "an act establishing the fees for the publication of the sale of forfeited lands;"

No. 241, A., a bill for an act to amend chapter 210, of the Private and Local Laws of 1859, entitled "an act to incorporate the Boscobel and Manhatan Bridge Company;

No. 280. A. a bill for an act to legalize the assessment of taxes in the county of La Pointe, and to extend the time of payment thereof;

No. 212, A., a bill for an act for the preservation of game;

No. 355, A., a bill for an act to authorize the Corn Planter's Bank of Waupaca, to reduce its capital, and remove its place of business;

No. 370, A., a bill for an act to incorporate the Thiensville fire engine company;

No. 413, A., a bill for an act to change the boundaries of the town of Watertown, in the county of Jefferson;

No. 437, A., a bill for an act to amend an act entitled "an act to authorize the laying out of a State road from the town of Howard, Brown county, to the Menominee river;

No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society, in the village of Lowell, Dodge county;

No. 528, A., a bill for an act to appropriate to H. Bingham the sum of $80;

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No. 537, A., a bill for an act to amend chapter 226, of the Private and Local Laws of 1858, entitled "an act to incorporate the village of Kingston," approved May 8, 1858;

No. 552, A., a bill for an act providing for an increase of highway taxes in the county of Richland;

No. 385, A., a bill for an act to authorize the county of Eau Claire to keep and maintain a free ferry across the Chippewa river, in said county;

No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin rivers, and the payment of the scrip and other vouchers of indebtedness issued by the State, or on account of the same, and for the protection of the settlers on the even sections," approved October 3, 1856.

No. 432, A., a bill for an act to appropriate to Milo Coles the sum of $50 98;

No. 548, A., a bill for an act to repeal an act conferring civil jurisdiction on the county court of Monroe county, approved March 11, 1859;

No. 561, —., a bill for an act to extend the time for publication and sale of unredeemed lands in the counties of Eau Claire and Chippewa;

No. 574, A., a bill for an act to amend an act entitled "an act to incorporate the city of Ripon," approved March 20th, 1858.

BILLS ON THEIR THIRD READING.

No. 290, A., a bill for an act to appropriate to Hitchcok & Co., the sum of $1,242 25;

Was ordered to a third reading.

On the passage of the bill, the ayes and noes being required,

The bill was passed—ayes 17, noes 9.

Those who voted in the affirmative, were

Senators Bartlett, Comstock, Decker, Eagan, Fratt, Gill, Hilgen, Hutchinson, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurbur and Worthington—17.

Those who voted in the negative, were

Senators A. I. Bennett, G. Bennett, Cox, Curtis, Davis, Masters, Seeley, Virgin and Washburn—9.

BILLS READY FOR A THIRD READING.

No. 211, S., a bill for an act to provide for letting the public printing by contract and to establish maximum prices for the execution thereof;

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And

No. 235, S , a bill for an act to amend chapter 71, of the Revised Statutes, entitled "of the incorporation of banking associations;"

Were severally read a third time and passed.

On motion of Sen. A. I. Bennett,

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

Was made the special order for to-morrow morning, at eleven o'clock.

Sen. Curtis moved to suspend all rules in order to put upon its passage bill

No. 334, S., a bill for an act to provide for publishing the returned and treasurer's lists in certain towns in Sauk county, in the *Pioneer am Wisconsin*;

Pending which,

On motion of Sen. Rodolf,

Senate adjourned till 4 o 'clock, P. M.

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4 o'CLOCK, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present,

BILLS INTRODUCED ON LEAVE.

Read first and second times and referred:

By Sen. Hanchett:

No. 346, S., a bill for an act regulating plank, turnpike and Macademized roads;

Referred to committee on Roads, Bridges and Ferries.

Sen. Davis moved to suspend all rules in order to put upon its passage said bill ;

And the motion was lost.

On motion,

The vote was reconsidered, and

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The question recurring on the motion to suspend the rules;
The motion prevailed.
On motion of Sen. Hanchett,
The bill was referred to the Judiciary committee.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

No. 7, S., memorial to His Excellency, the Governor of the State of Texas;
To general file.

REPORTS OF COMMITTEES.

The committee on Enrolled Bill report that they have examined and find correctly enrolled, the following bills, viz:

No. 253, S., a bill for an act to authorize the School Land Commissioners to remit certain penalties;

No. 132, S., a bill for an act to appropriate to Wakeley & Tenney the sum of $250;

No. 298, S., a bill for an act to exempt sewing machines from levy and sale on executions;

No. 250, S., a bill for an act to appropriate to Joseph Giles the sum of $75;

No. 325, S., a bill for an act to amend an act in relation to public schools in the city of Watertown, and to repeal the act amendatory thereof.

GEO. BENNETT, *Ch'n.*

The committee on Federal Relations, to whom was referred
Mem. No. 55, S., memorial of William Blunt of Green county;
Have considered and report the same back with an accompanying memorial, and recommend the passage of the memorial.

H. W. CURTIS, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed
No. 141, A., a bill for an act to locate and establish school house sites;

No. 372, A., a bill for an act to authorize the commissioners of school and university lands to refund certain sums of money to Joseph Goldsmith;

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No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

No. 494, A., a bill for an act to amend chapter 121, of the Revised Statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein;"

No. 529, A., a bill for an act to appropriate to O. G. Scofield, the sum of $200;

No. 550, A., a bill for an act to require the Treasurer of the city of La Crosse to receive school district orders in payment of school tax;

No. 557, A., a bill for an act to authorize the laying out of a State road from the Manitowoc River to the village of Menasha;

And asks the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly has amended and concurred in as amended,

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases.

MESSAGE FROM THE ASSEMBLY,

By JOHN S. DEAN, Esq., Assistant Clerk thereof.

MR. PRESIDENT:—

I am directed to present to you for signature, the following bills which have been signed by the Speaker:

No. 132, S., an act to appropriate to Wakeley and Tenney, the sum of $250;

No. 250, S., an act to appropriate to Joseph Giles, the sum of $75;

No. 253, S., an act to authorize the School Land Commissioners to remit certain penalties;

No. 298, S., an act to exempt sewing machines from levy and sale on execution;

No. 325, S., an act to amend an act in relation to the public schools in the city of Watertown, and to repeal the act amendatory thereof.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Madison, March 23, 1860.

To the Senate:

The following bills and memorials, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

Mem. No. 3, Mem. to Congress for a mail route from the

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city of Hudson, in St. Croix county, via St. Joseph, Apple River Bridge, Ceylon, Erin Prairie, Boardman and Hammond, to Warren;

Mem. No. 4, Mem. to the Post Office Department relative to increase of mail service on mail route No. 13,069;

No. 113, an act to authorize the Secretary of State to credit certain money to the county of Green Lake;

No. 119, an act to authorize John D. Trumbull to keep and maintain a ferry across Lake Pepin, in the county of Pierce;

No. 128, an act to define the boundary line between the counties of Green Lake and Marquette;

No. 135, an act to amend the charter of the Kenosha, Rockford and Rock Island Railroad Co.;

No. 196, an act to appropriate to A. J. Langworthy the sum of $833.

No. 206, an act to authorize the Bank of Watertown to reduce its capital stock;

No. 276, an act to amend the several acts relating to the charter of the city of Watertown.

Mem. No. 5, Mem. to the Post Master General for a change in a mail route.

No. 57, an act autherizing the city of Hudson to issue bonds.

No. 180, an act to amend an act entitled an act to annex certain territory to the town of Hudson.

No. 179, an act to reduce the capital stock of the Clark County Bank.

No. 147, an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto.

No. 222, an act relating to the public schools in the city of Oshkosh.

No. 50, an act to legalize the assessment of taxes in the county of Walworth;

No. 139, an act relating to the duties of Registers of Deeds;

No. 142, an act relating to the La Crosse County Court;

No. 150, an act to amend section 8, of chapter 86, of the Revised Statutes, entitled "of alienation by deed of proof and recording of conveyances, and the cancelling of mortgages;"

No. 224, an act to appropriate to Hugh Campbell, the sum of $127.

No. 225, an act to amend chapter 345, of the private and local law of 1857, entitled an act to incorporate the village of Black Earth;

No. 231, an act to amend chapter 193, of the private and local laws of the year 1859, entitled an act to incorporate the village of Oconto;

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No. 232, an act to amend section 2, of chapter 140, R. S., entitled, of miscellaneous proceedings in civil action and general provisions;

No. 268, an act to amend an act entitled an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;

No. 273, an act relating to railroads;

No. 274, an act exempting certain property therein named, from taxation;

No. 85, an act to regulate and license the keeping of dogs;

No. 72, an act to incorporate the village of Mauston;

No. 78, an act to amend an act entitled an act to amend chapter 299 of the private and local laws for the year 1855, entitled an act to incorporate the Sugar River Valley Railroad Company.

ALEX. W. RANDALL.

SPECIAL ORDER.

No. 251, S., a bill for an act to define and adjust certain portions of the contract for the public printing;

With amendments.

Which was made the special order for 4 o'clock, this afternoon,

Was taken up and considered.

The question occurring on striking out all after the enacting clause of the bill, and inserting in lieu thereof the amendment in the nature of a substitute;

Sen. Hutchinson, called for a division of the question,

And a division was ordered.

Sen. Phillips moved to lay the bill and substitute on the table.

The ayes and noes were called for,

And the motion was lost—ayes 13, noes 17.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennet, Burdick, Comstock, Cox, Davis, Hutchinson, Phillips, Seeley, Stewart, Washburn and Worthington—13.

Those who voted in the negative were

Senators Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hancheett, Hotchkiss, Masters, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur and Virgin—17.

The question occurring on the first division of the question, to wit: in striking out all after the enacting clause of the bill;

Sen. Seeley moved to refer the whole matter to a select committee of three, to be appointed by the chair.

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Sen. Hotchkiss moved to amend the motion by instructing the committee to report to-morrow morning at 11 o'clock.

Ruled out of order, because the Clerk had commenced calling the ayes and noes.

The question occurring on Sen. Seeley's motion;

The ayes and noes were called for, and

The motion prevailed—ayes 17, noes 11.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Virgin, Washburn and Worthington—17.

Those who voted in the negative were

Senators Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—11.

Sen. Hotchkiss moved to instruct the committee to report back the bill to-morrow morning at 11 o'clock;

Sen. Davis moved to amend the motion by instructing the committee to report as soon as possible;

And the motion prevailed.

The question then occurring on Sen. Hotchkiss' motion as amended;

It prevailed.

The chair appointed Senators Seeley, Simpson and Stewart said committee.

On motion of Sen. Worthington,

All rules were suspended in order to put upon their passage the following bills:

No. 308, A., a bill for an act to appropriate to the commissioners of the State Reform School, the sum of money therein named;

No. 302, S., a bill for an act to provide for the management of the public schools in the city of Milwaukee;

With an amendment.

No. 323, S., a bill for an act to establish terms of the circuit court in the counties of Crawford and Buffalo, in the sixth judicial circuit;

No. 267, S., a bill for an act to provide for the laying out a State road therein named;

No. 299, S., a bill for an act to amend sec. 12, of chap. 3, of an act to incorporate the city of Prescott, approved March 6th, 1857;

No. 338, S., a bill for an act providing for a salary for the clerk of circuit court for the county of Milwaukee, in lieu of the fees now allowed by law;

No. 222, A., a bill for an act to provide for the inspection of

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plank, gravel and turnpike roads constructed by companies incorporated by special acts of the Legislature;

No. 431, A., a bill for an act concerning coupons of the capitol extension bonds issued by the city of Madison;

No. 470, A., a bill for an act to organize the county of Ashland;

No. 372, A., a bill for an act to authorize the Commissioner of School and University Lands to refund certain sums of money to Joseph Goldsmith;

No. 189, A., a bill for an act to authorize the towns, cities, and villages of the county of Dodge to retain license monies in their town, city or vilage treasuries;

No. 592, A., a bill for an act to repeal section 2, of chapter 119, of the Private and Local Laws of 1858, entitled an act to amend chapter 132 of the Private and Laws of 1857, entitled "an act to incorporate the city of Appleton;"

No. 335, S. a bill for an act to legalize the acts of the county board of supervisors of Manitowoc county for the year A. D. 1859;

No. 337, S., a bill for an act in regard to testimony and witnesses;

The question occurring on ordering to a third reading said bill

No. 308, S.,

Sen. Curtis moved to amend the bill by striking out the words, "to liquidate present indebtedness."

Withdrawn.

Sen. Curtis moved to amend by adding to section—, the following proviso:

"Provided, that no part of the money so appropriated shall be used to pay any indebtedness incurred without authority of law."

The ayes and noes were called for,

And the motion was lost—ayes 10, noes 16.

Those who voted in the affirmative were

Senators Curtis, Ferguson, Fratt, Hotchkiss, Hutchinson, Masters, Rodolf, Simpson, Taylor and Washburn—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Gill, Hilgen, Maxon, Phillips, Seeley, Thurbur, Virgin and Worthington—16.

The bill was then ordered to a third reading and read.

The ayes and noes being required,

The bill was passed—ayes 18, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Com-

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stock, Cox, Davis, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Seeley, Sweat, Taylor, Thurbur, Virgin and Worthington—18.

Said bill

No. 372, A.,

Was ordered to a third reading and read.

On the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 20, noes 1.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Seeley, Simpson, Sweat, Taylor, Thurbur and Worthington—20.

Sen. Masters voted in the negative.

Sen. Simpson moved that the Senate do now adjourn;

And the motion was lost.

The question occurring on ordering to a third reading said bill

No. 189, A.,

Sen. Gill moved to amend the bill "by inserting the word Jefferson after the word Dodge, wherever it occurs in the bill;"

And the motion prevailed.

Sen. Thurbur moved to insert after the words "Dodge" and "Jefferson" the word Manitowoc;

And the amendment was adopted.

The question occurring on ordering to a third reading the bill as amended;

The ayes and noes were called for,

And it was so ordered—ayes 16, noes 7.

Those who voted in the affirmative were

Senators G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hilgen, Masters, Maxon, Rodolf, Sweat, Taylor and Thurbur—16.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Phillips, Simpson, Washburn and Worthington—7.

The bill as amended was then passed.

The amendment to said bill

No. 302, S.,

Was adopted;

And the bill as amended was ordered to a third reading, read and passed.

Sen. Burdick moved that the Senate do now adjourn;

And the motion was lost.

The question occurring on ordering to a third reading said bill

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No. 337, S.,

Sen. Gill moved to amend the bill by adding to section 2, the following:

"Provided, that the provisions of this act shall only apply to the city of Milwaukee;"

And the motion prevailed.

The bill as amended was ordered to a third reading, read and passed.

Said bills

Nos. 267, 335, 323 and 338, S., and 592, A.,

Were then ordered to a third reading, read and passed.

On motion,

Senate adjourned.

SATURDAY, MARCH 24, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the Chair.

Prayer by the Rev. Mr. Walters.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

LETTERS, PETITIONS, MEMORIALS, &c.,

Presented and referred.

By Sen. Hutchinson:

No. 142, S., memorial of Walter S. Babcock;

To committee on Benevolent Institutions.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Taylor:

No. 89, S.,

Resolved, That the Judiciary committee be instructed to inquire whether the existing custom of allowing clerks in the

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State offices to sign the names of State officers to receipts for money paid into the treasury, or other official paper, is not in contravention of law, and to report by bill or otherwise;

Adopted.

By Sen. Davis:

J. Res. No. 20, S.,

Resolved, by the Senate, the Assembly concurring, that this Legislature adjourns *sine die*, on Monday, the 2d day of April next, at 9 o'clock, A. M., and that the joint resolution to adjourn on the 27th inst., is hereby rescinded;

Laid over.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Fratt:

No. 347, S., a bill for an act to change the time of holding the annual election for city and ward officers in the city of Racine, for the year 1860;

To general file.

By Sen. A. I. Bennett:

No. 348, S., a bill for an act to prohibit officers and agents of the State from contracting indebtedness against the State;

On motion of Sen. A. I. Bennett,

All rules were suspended in order to put upon its passage paid bill

No. 348, S.,

And the bill was ordered to a third reading, read and passed.

By committee on Claims:

No. 349, S., a bill for an act to appropriate to D. G. Powers the sum of $200;

To general file.

By committee on Finance:

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

To general file.

By committee on Education, School and University Lands:

No. 351, S., a bill for an act for the relief of Joseph Knuer, of the county of Manitowoc;

To general file.

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REPORTS OF COMMITTEES.

The committee on Claims, to whom was referred

No. 80, S., the account of D. G. Powers, for map made for the State of Wisconsin, by resolution of the Senate in 1855, and additions made to same by order of Governors Barstow and Bashford;

Have had said account under consideration, and have referred it back by bill

No. 349, S., a bill for an act to appropriate to D. G. Powers the sum of $200;

And recommend said bill do pass.

Also,

No. 340, S., a bill for an act to appropriate a contingent fund to School and University Land Commissioners;

Have had said bill under consideration, and have instructed me to report it back, and recommend that it be indefinitely postponed.

Z. P. BURDICK, *Ch'n.*

The committee on Engrossed Bills report that they have examined and compared the following bills, and find the same correctly engrossed:

No. 164, S., a bill for an act for the protection of camp-meetings, and other religious assemblies;

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections.

COMSTOCK, *Ch'n.*

The select committee to whom was referred

No. 142, A., a bill for an act relative to persons mining for lead ore, or other minerals;

Have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend its passage.

N. H. VIRGIN,
P. B. SIMPSON,
C. G. RODOLF.

The committee of Conference on the part of the Senate, appointed on bill

No. 174, A., entitled a bill for an act to amend sestion 1, of chapter 113, of the General Laws of 1859, entitled of the lien of mechanics and others;

Respectfully report that the Assembly committee have agreed

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to recede from the non-concurrence of the Assembly in the Senate amendments to said bill.

M. W. SEELEY,
A. I. BENNETT,
Senate Com.

The committee to whom was referred

The account of A. McDonell, for work and materials for capitol extension;

Have had the same under consideration, and after having examined several witnesses on the part of the claimant, together with other evidences as produced by said claimant, and have, as they believe, given the matter all the attention required of them at this time, have agreed to report as follows:

The account is for extra material furnished, and extra labor performed, on capitol extension. We find that a portion of the account was presented and allowed in part, at the last session of the Legislature, and from the facts presented, we are of the opinion that the sum so paid was all the claimant was justly entitled to receive on the account presented at that time.

The charge for painting the iron columns and cornice, items not included in the account presented last winter (the work not then being completed), your committee have also had under consideration. This iron work, it seems, was, for certain reasons, substituted for stone, by consent of parties. The architect, Mr. Donnel, acting as agent for the State.

Mr. Donnel stated to the committee that the claimant was to paint this iron work, precisely as it is painted, as a condition on his part to the agreement.

In accordance with these facts your committee recommend that the claim be disallowed.

All of which is respectfully submitted.

C. B. COX, *Ch'n.*

The committee on Public Lands, report back bills No's. 506, 382, and 445, A., without amendment and without recommendation.

J. W. STEWART, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred the petition of Joseph Knuer, have had the same under consideration, and report by bill 351, S., the passage of which is recommended.

HUTCHINSON, *Ch'n.*

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The committee on Railroads, to whom was referred

No. 53, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards, together with substitute adopted by the Assembly,

Have had the same under consideration, and report them back with the recommendation that the Senate do not concur with the Assembly in the substitute.

PHILLIPS, *Ch'n.*

The Senate refused to concur in the Assembly amendment.

The committee on Roads, Bridges and Ferries, to whom was referred

No. 589, A., entitled an act to repeal chapter 268, of the private laws of 1856, an act granting the right to keep and maintain a ferry across the Mississippi river, in Buffalo county,

Have had the same under consideration, and instructed me to report the same back without amendment, and recommend its passage.

P. B. SIMPSON, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 24th inst., they presented to the Governor for his approval, the following bills:

No. 325, S., a bill for an act to amend an act in relation to public schools in the city of Watertown, and to repeal the act amendatory thereof;

No. 298, S., a bill for an act to exempt sewing machines from levy and sale on execution;

No. 253, S., a bill for an act to authorize the School Land Commissioners to remit certain penalties;

No. 250, S., a bill for an act to appropriate to Joseph Giles, the sum of $75.

No. 132, S., a bill for an act to appropriate to Wakeley and Tenney, the sum of $250.

G. BENNETT, *of Senate.*
C. MILLER, *of Assembly.*

The committee on Enrolled Bills report that they have examined and find the correctly enrolled, the following bills, viz:

No. 64, S., a bill for an act to discontinue the surveys and selection of swamp and overflowed lands within this State;

No. 218, S., a bill for an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State road therein named;

No. 200, S., a bill for an act to amend chapter 160, of the General Laws of 1859, entitled an act to prescribe and limit the rate of interest;

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No. 188, S., a bill for an act concerning the transcribing of records.

GEO. BENNETT, *Ch'n.*

The committee on Judiciary to whom was referred

No. 312, S., a bill for an act to amend section 1, chapter 138, entitled of the limitations of actions;

No. 497, A., a bill for an act to constitute Shawanaw county a part of the Tenth Judicial Circuit, and to fix the terms of court therein;

No. 517, A., a bill for an act to provide for the punishment of persons having in their possession counterfeit coin, with intent to pass the same as false;

No. 562, A., a bill for an act entitled an act to define, confirm and legalize the acts of fish inspector in the city of Milwaukee;

Have considered said bills, and instructed me to recommend their passage.

Your committee have also considered

No. 458, A., a bill for an act to provide for the exemption of insurance money on homesteads;

And instructed me to report the same back with amendment, and recommend its passage when so amended.

L. HANCHETT, *Ch'n.*

Said committee have also considered

No. 34, A., a bill for an act to repeal certain portions of chapter 136, of the Revised Statutes, entitled of writs and process;

And instructed me to recommend its passage.

L. HANCHETT, *Ch'n.*

The committee on Incorporations to whom was referred

No. 168, A., entitled a bill for an act to incorporate the St. Anthony Mutual Relief Society, of the city of Milwaukee;

And,

No. 381, A., a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled an act to incorporate the village of Waupun;

And,

No. 295, S., a bill for an act to repeal chapter 97, of the Private and Local Laws of 1857, entitled an act to amend chapter 78, of the Private and Local Laws of 1853, entitled an act to incorporate the Watertown and Madison Railroad Company, approved March 17th, 1853;

Have had the same under consideration, and have instructed

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me to report the same back to the Senate, and recommend their passage.

M. W. SEELEY, *Ch'n.*

The committee on Finance to whom was referred so much of the Governor's Message as relates to the finances of the State, have had the same under consideration, and report the following estimates, as setting forth from the most reliable information within their reach, the probable liabilities and resources of the State for the year 1861, which they believe to be liberal, and sufficiently accurate for all practical purposes :

Salaries and Permanent Appropriations.

Governor's office,	$3,200
Secretary's office,	2,400
Treasurer's office,	3,400
Attorney General's office,	1,400
State Superintendent's office,	3,400
Bank Comptroller's office,	4,800
Librarian,	1,000
Adjutant General's office,	700
Superintendent of Public Property,	1,000
Secretary of State Historical Society,	1,000
State Historical Society,	1,000
State Library,	250
State Agricultural Society,	3,000
Geological and Agricultural Survey,	6,000
Supreme Court and Reporter,	8,000
Circuit Courts,	21,000
Total for Salaries, &c.,	$61,550

Legislative Expenses.

Per diem of 127 members for 60 days,	$19,050
Mileage of members,	4,000
President of the Senate,	800
President pro tem of the Senate,	115
Speaker of the Assembly,	150
Speaker pro tem of the Assembly,	100
Clerks of Senate and Assembly,	5,000
Sergeants-at-Arms and Assistants,	3,500
Postage for the Legislature,	3,500
Stationery for Legislature,	3,500
Printing to be paid from general fund,	20,000
Total Legislative and Printing,	$59,215

Miscellaneous.

Governor's contingent fund,	$10,000
Postage for offices,	3,500
Stationery and blanks for offices,	7,000
Compensation of Clerks,	7,000
Watchmen for Treasurer and Bank Comptroller's office,	730
County Agricultural Societies,	4,000

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To pay balance of debt on Hospital for the Insane, contracted beyond appropriations made at last session, said at that time to be sufficient for completion of the present building, estimated at	25,000
To modify the internal arrangement of the present building, so as better to adapt it to the use of the Insane,	5,000
For current expenses and fixtures for the Hospital for the Insane,	20,000
Blind Asylum,	12,000
Deaf and Dumb Asylum,	1,000
State Reform School,	5,000
State Prison, same as present year	30,000
Wood, gas and lights,	6,000
Interest on State Loan and Exchange,	7,000
Per diem of Clerk of Supreme Court,	800
Supreme Court Reports,	1,050
Rent of offices for State Superintendent and Bank Comptroller,	1,000
Amount for private claims,	25,000
Amount for incidental repairs,	5,000
Probable amount of tax credited to counties from school, university and swamp lands,	20,000
	$210,080

Estimated total amount of miscellaneous expenditures,	$210,080
Total legislative expenses,	59,215
Total salaries and permanent appropriations,	61,550
Total estimated expenditures from the general fund,	$330,845

Current Resources.

Railroad license,	$22,000 00
Bank tax, 1½ per cent. on $6,647,000,	99,705 00
Telegraphs,	150 00
Tax on suits,	8,500 00
Hawkers and peddlars,	200 00
Insurance companies,	6,000 00
Arrearages due from Clerks of Circuit Courts,	2,040 35
Janssen's defalcation,	31,318 54
Total resources, leaving out all balances due from counties anterior to 1859,	$169,913 89
Deduct from this sum Janssen's defalcation, and the amount due from clerks of Circuit Courts as worthless,	33,358 89
And we have an aggregate of reliable resources, amounting to	$136,555 00
Aggregate of estimated current and reliable resources,	$136,555 00
To which add two-fifths of a mill on the dollar valuation, which is required by statute to be annually levied, say	70,000 00
Making with the resources above mentioned, an aggregate of	$206,555 00
It will be seen that when the sum last above mentioned shall have been deducted from the total estimated liabilities, the balance left to be provided for in some other way, will be	$124,290 00

So that according to the foregoing estimates, the above mentioned sum of $124,290, will be required to be raised by State tax, to meet the demands likely to be made upon the general fund for the fiscal year ending in 1861.

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And your committee have little doubt but that sum, together with other legitimate resources, might be sufficient to support the government and meet all proper demands against it, for the current year; but to provide for any unforeseen contingencies which may arise, we deem it best to recommend that a State tax be raised in 1860, of $150,000, to meet the demands upon the general fund for the year 1861.

It will be readily perceived, that the treasury would have been able to meet all proper demands likely to be made upon it with a much less amount of tax than that above designated, had it not been for that large amount of unauthorized indebtedness contracted by public institutions, forming an aggregate beyond their appropriations, of some $60,000, to be paid out of the present revenues and next year's tax; the larger proportion of which may be paid the present year, while the residue is provided for by the tax herein recommended.

And had it not been for the transactions above alluded to, unanticipated, because unauthorized, the true principle of "pay as we go," would have been carried out to the letter, in our financial arrangement; and even with that large and unexpected amount of such indebtedness to contend with, that portion not provided for in next year's tax, will be paid from the present revenues, when the proper warrants shall be presented at the treasury.

And though it was said by some, that the tax raised last year would be insufficient to carry on the government, and meet the public expenditures; but your committee believed then, and are more fully convinced now, that to have raised more would have burthened the people with taxation without necessity. The revenues of the present year promise to be ample for all appropriate purposes; and we have good reason to believe, that the funds now in and yet to come into the treasury, will be sufficient to defray the current expenses of the government, and pay the larger portion of that indebtedness contracted by public institutions.

It will be seen by an examination of all the facts, that it becomes clearly obvious, that had all our public institutions kept within the appropriations authorized by the legislature, and the agents of such institutions discharged their public trusts as they should have done, quite a large surplus would have been found in the treasury at the end of the present fiscal year.

And as evidence that such would have been the case, we need but refer to the fact that last year's estimates for liabilities against the State, were, in many instance, largely above the sums which have been required to meet such liabilities; and in some cases the margin in favor of the treasury has proven to be a very broad one. And while such has been the case, to

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a large amount, in reference to the estimated liabilities, the estimated resources have proven to be considerably greater than was set forth in that report. In view of all these facts, and the probable continued ability of the treasury to meet promptly all proper demands which may be presented against it, we take pleasure in saying that we have no cause to be ashamed of the financial condition of the State. And we sincerely hope, and confidently trust, that with proper economy on the part of the Legislature and those administering the government, excessive taxation need not again be required to meet the legitimate demands upon the treasury.

Your committee have prepared, and herewith report a bill, and recommend its passage, for levying the tax recommended in this report.

All of which is respectfully submitted.

A. I. BENNETT,
CHAS. G. RODOLF,
J. W. STEWART,
Committee.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof,

MR. PRESIDENT:

I am directed to present to you for signature the following bills which have been signed by the Speaker;

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

No. 128, A., a bill for an act to repeal chapter 124, of the General Laws of 1858, entitled "an act conferring jurisdiction on the county court of Columbia county;

No. 253, A., a bill for an act to amend chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

No. 580, A., a bill for an act to authorize the village of Menasha to aid in the construction of railroads;

No. 308, A., a bill for an act to appropriate to the commissioners of the State Reform School the sum of money therein named.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the passage of

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No. 342, S., a bill for an act to amend an act entitled "an act to appropriate the Islands in the Wisconsin river, between a line running parallel with the 4th principal meridian, ten miles east thereof, and a line running parallel with said meridian nine miles west thereof, to the Muscoda and Richland Bridge Company;"

Without amendment.

I am also directed to inform you that the Assembly has passed

No. 497, A., a bill for an act to revive and modify an act to incorporate the Milwaukee Cemetery Association of the city of Milwaukee, approved August 16, 1848;

In which the concurrence of the Senate is requested.

I am further directed to inform you that the Assembly recedes from its non-concurrence to the Senate amendment to

No. 174, A., a bill for an act to amend section 1, of chap. 113, of the General Laws of 1859, entitled "of the liens of mechanics and others."

I am also directed to present to you for signature

No. 64, S., a bill for an act to discontinue the surveys and selection of swamp and overflowed lands within this State;

No. 188, S., a bill for an act concerning the transcribing of records;

No. 218, S., a bill for an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State road therein named;

No. 200, S., a bill for an act to amend chapter 160, of the General Laws of 1859, entitled "an act to prescribe and limit the rate of interest;"

Which have been severally signed by the Speaker.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

To committee on Roads, Bridges and Ferries.

No. 529, A., a bill for an act to appropriate to O. G. Scofield the sum of $200;

To general file.

No. 550, A., a bill for an act to require the treasurer of the city of LaCrosse to receive school district orders in payment of school tax;

To committee on Finance.

No. 494, A., a bill for an act to amend chapter 121, of the

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Revised Statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein;"

To the Judiciary committee.

No. 557, A., a bill for an act to authorize the laying out of a State road from the Manitowoc river to the village of Menasha;

To committee on Roads, Bridges and Ferries.

No. 141, A., a bill for an act to locate and establish school house sites;

To committee on Education, Schools and University Lands.

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;

With Assembly amendments.

Said amendments were adopted.

On motion of Sen. Curtis,

All rules were suspended in order to put upon their passage the following bills:

No. 470, A., a bill for an act to organize the county of Ashland;

No. 224, A., a bill for an act to legalize the organization of Joint School District No. 7, of Burke and Blooming Grove;

No. 431, A., a bill for an act concerning the coupons of the capitol extension bonds issued by the city of Madison;

No. 222, A., a bill for an act to provide for the inspection of plank, gravel and turnpike roads constructed by companies incorporated by special acts of the Legislature;

No. 347, S., a bill for an act to change the time for holding the annual election for city and ward officers in the city of Racine, for the year 1860;

No. 395, A., a bill for an act to provide for the location and the construction of a portion of the State road from Oshkosh to Green Bay;

No. 32, A., a bill for an act to change the name of Archy Arnet, and to constitute him an adopted son of William and Mary Collins;

No. 299, S., a bill for an act to amend section 12, of chapter 3, of an act to incorporate the city of Prescott, approved March 9th, 1857;

No. 444, A., a bill for an act to incorporate the Tyrone Lake Canal Company;

No. 388, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Brown county;

No. 382, A., a bill for an act to provide for the expenditure of the drainage fund moneys in the county of Marathon;

The question occurring on ordering to a third reading said bill,

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No. 431, A.,
It was so ordered and read.
On the passage of the bill,
The ayes were called for, and
The bill passed —ayes 15, noes 8.
Those who voted in the affirmative were
Senators A. I. Bennett, Curtis, Decker, Ferguson, Fratt, Gill, Hanchett, Masters, Phillips, Rodolf, Stewart, Taylor, Thurbur, Virgin and Washburn—15.
Those who voted in the negative, were
Senators Bartlett, G. Bennett, Burdick, Comstock, Davis, Maxon, Simpson and Worthington—8.
Said bill,
No. 395, A.;
Was referred to Sen. Decker and Washburn.
Said bills,
No's. 324, 347, and 299, S., and 470, 444, 222, 382, 388, 32, A.,
Were then severally ordered to a third reading, read and passed.
Sen. Gill, asked leave of absence till Monday afternoon.
Granted.
On motion of Sen. Curtis,
All rules were suspended in order to put upon their passage, the following bills:
No. 447, A., a bill for an act to amend chapter 2, of the Revised Statutes, entitled, "of the division of the State into counties and their boundaries;"
No. 226, S., a bill for an act to incorporate the Winslow and Jamestown Railroad Company;
No. 571, A., a bill for an act providing a lien for labor and service upon logs and lumber in certain counties;
No. 589, A., a bill for an act to repeal chapter 268, of the Private Laws of 1856, entitled "an act granting the right to keep and maintain a ferry across the Mississippi river, in Buffalo county;
No. 380, A., a bill for an act prescribing the place of filing chattel mortgages on certain classes of property;
No. 514, A., a bill for an act to authorize the construction of a bridge across Fox River, at Wright's ferry, in Wrightstown, Brown county;
Said bills,
Nos. 447, 571, 589, 380 and 514, A.,
And,
No. 256, S.,
Were severally ordered to a third reading, read and passed.
On motion of Sen. Worthington, bill

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No. 349, S., was taken from the general file, and recommitted to the committee on Claims.

On motion of Sen. Curtis, the Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file;

Senator Egan in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

Jt. Res. No. 7, S., joint resolution providing for amending article eight, of the Constitution;

With the recommendation that it lay on the table.

No. 275, A., a bill for an act to amend sections 69 and 70, of chapter 18, of the Revised Statutes, entitled, of the assessment and collection of taxes;

No. 277, A., a bill for an act to amend chapter 139, of the Rev. Statutes, entitled, of appeals, writs of error and proceedings therein;

No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin Reports;

With the recommendation that they do pass.

No. 127, S., a bill for an act to abolish the county board of supervisors, and establish a board of county commissioners;

With the recommendation to strike out all after the enacting clause, and insert bill No. 277, S.;

No. 277, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

With amendments, and the recommendation to pass when so amended.

Sen. A. I. Bennett, moved that the Senate do now proceed to the consideration of bill

No. 301, S.;

Which was the special order for to-day at 11 o'clock.

Sen. Simpson moved to amend the motion of Sen. Bennett, so as to make said bill the special order for this afternoon at four o'clock;

And the motion prevailed.

On motion of Sen. Stewart,

The Senate took a recess till 3 o'clock this afternoon.

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3 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Roll called, and quorum present.
Sen. A. I Bennett moved that the Senate resolve itself into the committee of the Whole on the general file ;
And the motion was lost.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Comstock,
Jt. Res. No. 21, S.,
For amending the Constitution;
Read 1st and 2d times, and
Referred to Judiciary Committee.

BILLS INTRODUCED ON LEAVE.

Read 1st and 2d times, and
Referred.
By Sen. Worthington,
No. 352, S., a bill for an act to appropriate the sum of $5,000 to the State Reform School;
To committee on Claims.
On motion of Sen. Simpson, the Senate proceeded the consider the

REPORT OF THE COMMITTEE OF THE WHOLE.

Jt. Res. No. 7, S.,
The question being on laying the resolution on the table,
The ayes and noes were called for, and
It was laid on the table—ayes 17, noes 5.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Ferguson, Hilgen, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—17.
Those who voted in the negative were
Senators Curtis, Fratt, Hotchkiss, Maxon and Simpson—5.
No. 155, S.;
Was ordered engrossed for a third reading.

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No's. 275 and 297, A.;

Were ordered to a third reading.

All after the enacting clause was stricken from No. 127 S., and the substitute, (to wit: No. 277, S.,) was inserted in lieu thereof.

The amendments to bill No. 127, S. were adopted,

And the question occurring on ordering the bill engrossed for a third reading;

Sen. Simpson moved a call of the Senate,

And the call was sustained.

The roll was called,

And Sen. Hanchett, Rodolf and Sweat were absent.

The Sergeant at arms proceeded to summon the absentees.

Sen. Virgin moved to suspend proceedings under the call;

The ayes and noes were called for

And the motion prevailed—ayes 20, noes 9.

Those who voted in the affirmative, were

Senators A. I. Bennett, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin, and Washburn—20.

Those who voted in the negative, were

Senators Bartlett, G. Bennett, Burdick, Eagan, Ferguson, Fratt, Hilgen, Maxon and Worthington—9.

The question being on ordering to a third reading said bill No. 277, S.;

The ayes and noes were called for

And the third reading was ordered —ayes 16, noes 13.

Those who voted in the affirmative, were

Senators Comstock, Cox, Curtis, Davis, Decker, Fratt, Hanchett, Hotchkiss, Hutchinson, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat and Taylor—16.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Eagan, Ferguson, Hilgen, Masters, Maxon, Thurbur, Virgin, Washburn and Worthington—10.

Sen. Hotchkiss moved to suspend all rules in order to put upon its passage said bill;

The ayes and noes were called for,

And the motion was lost—ayes 18, noes 11.

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Davis, Decker, Fratt, Hanchett, Hotchkiss, Hutchinson, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur and Washburn—18.

Those who voted in the negative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Eagan, Ferguson, Hilgen, Masters, Maxon, Virgin and Worthington—11.

Sen. Hutchinson moved to dispense with the engrossing of said bill;

Ruled out of order.

On motion of Sen. Davis,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On the general file.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 261, S., a bill for an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;

With the recommendation of indefinite postponement.

M. C. No. 6, S., memorial to the Post Master General for reinstatement of service on route 13,031;

With the recommendation that it do pass.

No. 173, S., a bill for an act to amend section 95, of chapter 18, and sections 57 and 127, of chapter 13, of the Revised Statutes, relative to the duties of county treasurers and clerks of the boards of supervisors;

With amendments and the recommendation to pass when so amended.

SPECIAL ORDER.

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

Which was the special order for 4 o'clock;

Was taken up, and

On motion of Sen. A. I. Bennett,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On said bill, No. 301, S.;

After some time spent therein, the committee rose and reported back the said bill, with amendments, and recommended its passage when so amended;

The amendments were adopted;

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The question recurring on ordering the bill engrossed, for a third reading,

Senator Virgin moved to amend the bill by striking out the word "fifteen," in the first line, and inserting the word "nine;"

The ayes and noes were called for, and

The motion was lost; ayes 13, noes 41;

Those who voted in the affirmative were

Senators G. Bennett, Burdick, Hanchett, Hilgen, Hotchkist, Masters, Maxon, Phillips, Rodolf, Seeley, Thurbur, Virgin and Washburn—13.

Those who voted in the negative were

Senators, Bartlett, A. I. Bennett, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Hutchinson, Stewart, Sweat, Taylor and Worthington—14.

Sen. Hotchkiss moved to amend section 5, by adding the followin after the word hospital, in line 5 of the printed bill;

"Provided that this section shall not be so construed as to prevent the appointment of a homœpathic or hydropathic physician as superintendent;"

The ayes and noes were called for, and

The motion prevailed—ayes 19, noes 9.

Those who voted in the affiramative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Curtis, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Thurbur, Washburn and Worthington—19.

Those who voted in the negative were

Senntors A. I. Bennett, Cox, Davis, Hanchett, Rodolf, Stewart, Sweat, Taylor and Virgin—9.

Sen. Hotchkiss moved to amend the bill by striking out the word "fifteen" in the first line, and inserting the word "eleven;"

And the motion was lost.

Sen, Rodolf moved that all rules be suspended in order to put upon its passage said bill

No. 301, S.,

Pending which,

On motion of Sen. Rodolf,

The bill was referred to the committee on Claims.

Sen. Hutchinson moved to suspend all rules in order to put upon their passage the following bills:

No. 127, S., a bill for an act to abolish the county board of supervisors, and establish a board of county commissioners;

No. 351, S., a bill for an act for the relief of Joseph Knuer of the county of Manitowoc;

And the motion prevailed.

The question occurring on the passage of

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No. 127, S.,

The ayes and noes were called for, and

The bill was passed—ayes 17, noes 12.

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Davis, Decker, Fratt, Hanchett, Hotchkiss, Hutchinson, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor and Thurbur—17.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Eagan, Ferguson, Hilgen, Masters, Maxon, Virgin, Washburn and Worthington—12.

Sen. Hutchinson moved to strike out the title and substitute in lieu thereof the following :

"A bill for an act to amend chap. 13, of the Revised Statutes, entitled 'of county and county officers;' "

And the motion prevailed.

The question then occurring on ordering to a third reading, said bill

No. 351, S.,

It was so ordered, read and passed.

BILLS, &c.,

Introduced on leave granted, read first and second times, and referred.

By Sen. Maxon;

No. 353, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane;

To committee on Claims.

By Sen. Taylor:

No. 354, S., a bill for an act restoring Charles W. Mains to citizenship;

To Judiciary committee.

By Sen Taylor:

No. 354, S. a bill for an act restoring Horatio Mains to citizenship;

To Judiciary committee.

On motion,

Senate adjourned.

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MONDAY, MARCH 26, 9 o'clock, A. M.

The Senate met.
The Lieut. Governor in the chair.
Prayer by the Rev. Mr. Walters.
Roll called and quorum present.
Reading of the journal of Saturday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Simpson :

No. 356, S., a bill for an act to amend an act entitled "an act to amend sec. 59, of chap. 133, of the Rev. Statutes, entitled 'of costs and fees;' "

To Judiciary committee.

By committee on Benevolent Institutions :

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane, a sum of money therein named to pay the debts existing against said institution ;

To committee on Claims.

RESOLUTIONS INTRODUCED AND CONSIDER D.

Jt. Res. No. 20, S.,

Resolved, by the Senate, the Assembly concurring, That this Legislature adjourns *sine die* on Monday, the 2d day of April next, at 9 o'clock, A. M., and that the joint resolution to adjourn on the 27th inst. is hereby rescinded ;

Which was introduced on Saturday and laid over,

Was taken up, and

Sen. A. I. Bennett moved to amend the resolution by adding the following :

"And that no new business shall be introduced by 'dead head' or otherwise, except as amendatory to pending bills or resolutions after Tuesday the 27th instant, and that no Legislative business shall be transacted after Friday, the 30th inst., except such as may be connected with enrolled bills or joint resolutions ;"

Sen. Davis moved the previous question, and

The call was sustained.

The question being, "Shall the main question be now put?"

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The previous was ordered.

The question being on the adoption of the amendment;

It was adopted.

The question occurring on the adoption of the resolution as amended;

The ayes and noes were called for,

And the resolution was adopted—ayes 16, noes 12.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—16.

Those who voted in the negative were

Senators Comstock, Decker, Eagan, Ferguson, Fratt, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Thurbur and Virgin —12.

REPORTS OF COMMITTEES.

The joint commtitee on Enrolled Bills report that they presented to the Governor for his approval, on the 20th inst., the following bills:

No. 574, A., an act to amend an act entitled "an act to incorporate the city of Ripon," approved March 20, 1858;

No. 548, A., an act to repeal an act conferring civil jurisdiction on the county court of Monroe county, approved March 11, 1859;

No. 432, A., an act to appropriate to Milo Coles the sum of $50 98;

No. 385, A., an act to authorize the county of Eau Claire to keep and maintain a free ferry across the Chippewa river in said county;

No. 561, A., an act to extend the time for publication and sale of nnredeemed lands in the counties of Eau Claire and Chippewa;

No. 605, A., a bill for an act to amend an act entitled "an act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections," approved Oct. 3d, 1856;

No. 241, A., a bill for an act to amend chapter 210, of the Private and Local Laws of 1859, entitled "an act to incorporate the Boscobel and Manhattan Bridge Company;"

No. 537, A., a bill for an act to amend chapter 226, of the Private and Local Laws of 1858, entitled "an act to incorporate the village of Kingston," approved May 8th, 1858;

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No. 552, A., a bill for an act providing for an increase of highway tax in the county of Richland;

No. 61, A., a bill for an act to amend chapter 40, of the Local Laws of 1859, entitled "an act to authorize the city of Milwaukee to assess water rents;"

No. 443, A., a bill for an act to change the boundaries of the town of Watertown, in the county of Jefferson;

No. 505, A., a bill for an act to legalize the organization and proceedings of the trustees of the Baptist Society in the village of Lowell, Dodge county;

No. 180, A., an act to amend section 1, of chapter 178, of the general laws of 1859, entitled an act establishing the fees for the publication of the sale of forfeited lands;

No. 528, A., an act to appropriate to H. Bingham, the sum of $80;

No. 370, A., an act to incorporate the Theinsville Fire Engine Company;

No. 250, A., an act to legalize the assessment of taxes in the county of La Pointe, and to extend the time of payment;

No. 437, A., an act to amend an act entitled an act to authorize the laying out of a State road from the town of Howard, Brown county, to the Menomonee river;

No. 312, A., an act for the preservation of game;

No. 355, A., an act to authorize the Corn Planters' Bank of Waupaca, to reduce its capital, and remove its place of business;

No. 580, A., a bill for an act to authorize the village of Menasha to aid in the construction of a railroad;

No. 253, A., a bill for an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;

No. 76, A., a bill for an act providing for the bringing of suits upon sheriff's bonds;

No. 128, A., a bill for an act to repeal chapter 124, of the General Laws of 1859, entitled an act conferring jurisdiction on the county court of Columbia county;

No. 308, A., a bill for an act to appropriate to the commissioners of the State Reform School, the sum of money therein named.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Judiciary to whom was referred

No. 18, S., a bill for an act relating to garnishee process;

Have considered the same and instructed me to report the

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same back with amendments, and recommend its passage when amended.

HANCHETT, *Ch'n.*

The committee on Judiciary to whom was referred

No. 354, S., a bill for an act restoring Horatio Mains to citizenship;

No. 355, S., a bill for an act restoring Charles W. Mains to citizenship;

Have considered said bills and instructed me to recommend their passage.

HANCHETT, *Ch'n.*

The committee on Incorporations to whom was referred:

No 569, A., entitled "a bill for an act to incorporate the Milwaukee Mutual Laborers' Relief Society,"

And

No. 462, A. Entitled "a bill for an act to authorize the town clerk of the town of Port Washington to convey real estate;

Have had the same under consideration, and instructed me to report the same back and recommend their passage.

SEELY, *Ch'n.*

The committee on Finance, to whom was referred a petition of E. D. Campbell and other citizens of La Crosse, have had the subject under consideration, and submit the following as the result of their investigations:

It appears that the people of the city of La Crosse complain that the real property of said city was assessed too high in the spring of 1859, and seek redress by re-assessment.

It further appears that the city of La Crosse appealed to the State Board of equalization, at their session in September, 1859, for a reduction of the equalized valuation of the real property of said city, which appeal was granted, and said equalized valuation was reduced thirty per centum—the State board of Equalization believing that justice and equity demanded such reduction.

The petitioners refer to this fact, but seem to quite misapprehend the effect of such action of the State Board.

They say that the State Board reduced said valuation "thirty per cent. on the State tax;" while they seem to think that on other taxes they will be required to pay on the original valuation.

Your committee would merely say that such is not the law; but that the reduction thus made by the State Board, is a reduction for all the purposes of taxation.

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It will be seen by reference to section thirty, of chapter 167 of the general laws of 1859, that "the valuation of real property as equalized by the State Board of Equalization, shall form the basis upon which taxes shall be apportioned and levied."

Such, then, will be the valuation of the real property of said city, until the same shall have been changed by the assessment and equalization of 1861.

Your committee therefore report back the petition and ask to be discharged from further consideration of the subject; believing that the petitioners already have the redress they seek.

A. I. BENNETT, *Ch'n.*

Said petition was laid on the table.

The committee on Finance, to whom was referred certain petitions asking a reduction of tax on foreign insurance companies; believing it inexpedient to grant the prayer of the petitioners, report back the petitions, and recommend that they be laid on the table;

The same committee report back remonstrances against diverting license money from the poor fund; and as that question has been already disposed of, recommend that the remonstrances be laid on the table.

A. I. BENNETT, *Ch'n.*

Said petitions and remonstrances were laid upon the table.

The committee on Finance, to whom was referred

No. 550, A., a bill for an act to require the treasurer of the city of La Crosse to receive school district orders in payment of school tax;

Report the same back, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee to whom was referred the following bills, have had the same under consideration, and report them back with a recommendation that they severally do pass, viz:

No. 225, A., a bill for an act to authorize the city of Milwaukee to construct certain bridges;

No. 461, A., a bill for an act to authorize the city of Milwaukee to construct and maintain certain bridges;

No. 525, A., a bill for an act to authorize the city of Milwaukee to construct a certain bridge;

Substitute to

No. 304, A., a bill for an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the second ward, to pay for the improvement of a public square in block 165 of said ward;

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No. 155, A., a bill for an act to provide for the purchase of real estate, and the erection of suitable buildings thereon for the use of the third ward of the city of Milwaukee.

COMSTOCK,
EGAN.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT :

I am directed to inform you that the Assembly has passed

No. 613, A., a bill for an act to authorize the common council of the city of Milwaukee to erect a breakwater in the third ward of said city;

No. 398, A., an act to vacate and extinguish the town of Orwell, in the county of Racine, and to attach the territory comprising the same to the towns of Mt. Pleasant and Caledonia, in said county;

And ask the concurrence of the Senate in the same.

I am further directed to inform you that the Assembly insists on its amendment to

No. 53, S., a bill for an act providing for the enclosing of railroads by fences end cattle-guards;

And also, that the Assembly has concurred in the passage of

No. 267, S., a bill for an act to provide for the laying out a State road therein named.

I am further directed to inform you that the Assembly has concurred in the Senate amendment to

No. 431, A., a bill for an act concerning the coupons of the capitol extension bonds, issued by the city of Madison.

I am further directed to inform you that the Assembly has concurred in so much of the Senate amendment to

No. 189, A., a bill for an act to authorize the towns, cities and villages of the county of Dodge to retain license moneys in their town, city or village treasuries;

As relates to the county of Jefferson, and refuses to concur in the remainder thereof.

The Assembly has concurred in the passage of

No. 334, S., a bill for an act to provide for publishing the returned and treasurer's lists, in certain towns in Sauk county, in the *Pioneer am Wisconsin*;

And

No. 347, S., a bill for an act to change the time for holding the annual election for city and ward officers in the city of Racine for the year 1860;

Without amendment.

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ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred.

No. 398, A.,
Was referred to Sen. Fratt.
No. 613, A.,
Was referred to committee on Incorporations.
No. 479, A., a bill for an act to revive and modify an act to incorporate the Milwaukee Cemetery Association of the city of Milwaukee, approved Aug. 16th, 1848;
To commmittee on Incorporations.
The Senate receded from that part of its amendment to bill
No. 189, A.,
In which the Assembly did not concur.
The Senate refused to recede from its non-concurrence in the Assembly amendment to bill
No. 53, S.,
Sen. Simpson moved a committee on Conference on the bill,
And the motion prevailed.
The Chair appointed Senators Phillips and Simpson, said committee on the part of the Senate.
On motion of Sen. Rodolf,
All rules were suspended in order to put upon its passage bill
No. 604, A., a bill for an act to amend chapter 92, of the General Laws of 1860, entitled an act to amend chap. 131, of the Private and Local Laws of 1857, entitled an act to incorporate the city of Mineral Point;
The bill was then ordered to a third reading, read and passed.
Sen. Seeley asked leave of absence till 7 o'clock, this evening;
Leave was granted.
Sen. Phillips moved to suspend all rules in order to put upon its passage bill
No. 303, A.,
The motion was so amended as to include bills
Nos. 354, 355, 280, and 266, S., and 440, 529, 460, 227, 228, 225, 461, 525, 155, 569, 168, A.; a substitute for 304, A., and the general file;
Pending which,
On motion of Sen. Davis.
The Senate resolved itself into

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THE COMMITTEE OF THE WHOLE,

On the general file.

After some time spent therein, the committee rose, reported progress and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 260, S., a bill for an act to legalize the acts of Bristol Cemetary Association;

No. 246 1-2, S., a bill for an act to repeal section 2, of chap. 197, of Laws of 1859, entitled "an act in relation to evidence and limitation in certain cases;"

No. 266, S., a bill for an act to lay out a State road therein named;

No. 280, S., a bill for an act to authorize the State Prison Commissioner to draw money from the State treasury;

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge across the Manitowoc River;

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State historical society;"

No. 140, S., a bill for an act to amend chapter 167, of the Revised Statutes, entitled "offences against public justice;"

No. 258, S., a bill for an act to authorize Burrage B. Downs to keep and maintain a boom upon Red Cedar River;

No. 291, S., a bill for an act to amend chapter 23, of the Revised Statutes, entitled of "common schools;"

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

No. 300, S., a bill for an act to repeal section 3, of chap. 210, of the General Laws of 1859, entitled "an act to provide a permanent school library fund;"

No. 73, A., a bill for an act to authorize the laying out of a State road from Prairie du Chien to La Crosse;

No. 384, A., a bill for an act to amend section 53, of chapter 140, of the Revised Statutes, entitled "of miscellaneous proceedings in civil actions, and general provisions;"

No. 374, A., a bill for an act to amend chapter 127, of the Revised Statutes, entitled "of arrest and bail;"

No. 183, A., a bill for an act relating to the estate of F. I. Vander Brock;

No. 303, A., a bill for an act to enable the city of Fond du Lac to settle with its bondholders;

No. 529, A., a bill for an act to appropriate to O. G. Scofield the sum of $200.

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No. 315, A., a bill for an act to amend sec. 3, of chapter 190 of the Rev. Statutes entitled "of prisons generally, and common jails;"

No. 121, A., a bill for an act to amend sec. 4, of chap. 124 of the Rev. Statutes, entitled "of the manner of commencing civil actions;"

No. 328, A., a bill for an act to amend chapter 151 of the General Laws of 1859, entitled "an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 120 of the Revised Statutes;"

No. 282, S., a bill for an act to appropriate the sum of twenty-five thousand dollars to the State Prison Commissioner;

No. 281, S., a bill for an act to authorize the State Prison Commissioner to exchange or purchase land as therein specified;

No. 244, S., a bill for an act to provide for the payment of the chaplains of the Legislature for the year 1860;

No. 259, S., a bill for an act to lay out a State road from Eau Claire in Eau Claire via. Falls City and Downsville, to Eau Galla, in Dunn County;

No. 313, A., a bill for an act to amend chapter 88, of the General Laws of 1857, entitled "an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin;

No. 283, A., a bill for an act to equalize the State tax for Brown County;

With amendments, and passage recommended when so amended.

No. 159, S., a bill for an act to repeal chapter 148, of the General Laws of 1858, entitled "an act to exempting sixty days earnings to mechanics and laborers;"

No. 241, S., a bill for an act to protect mortgagees and innocent purchasers of school lands;

No. 233, S., a bill for an act to amend chapter 83, of the Revised Statutes, entitled "of the nature and qualities of estates in real property, and the alienation thereof," and chapter 85, of the Revised Statutes, entitled "of uses and trusts;"

No. 100, S., a bill for an act to provide for the proper indexing of the laws;

No. 348, A., a bill for an act to provide for the proper burial of the dead;

No. 41, A., a bill for an act regulating practice in the foreclosure of mortgages in certain cases where parties are unknown;

No. 42, A., a bill for an act exempting certain University Lands from taxation;

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With the recommendation of indefinite postponement.

No. 204, S., a bill for an act to create the 11th judicial circuit;

No. 417, A., a bill for an act to authorize the commissioners of school and university lands, to remit penalties in certain cases.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 159, A., a bill for an act relating to public officers and their duties;

No. 390, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 401, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 407, A., a bill for an act to permit the board of supervisors of the several towns in the county of Milwaukee to lay out and open highways of the width of three rods;

No. 540, A., a bill for an act to appropriate a certain sum of money to the joint committee on State Prison;

No. 556, A., a bill for an act ta appropriate a certain sum of money to the committee on Charitable and Religious Societies;

No. 615, A., a bill for an act to incorporate the village of Engelsburg.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 202, S., a bill for an act concerning a bridge pier at Kewaunee;

No. 229, S., a bill for an act to incorporate the Wisconsin Agricultural and Mechanical Association;

No. 240, S., a bill for an act to organize the county of Door for judicial purposes;

No. 287, S., a bill for an act to remit to the county of Portage certain indebtedness to the State;

No. 320, S., a bill for an act to provide for the disposal and expenditure of the Drainage Fund in the counties of Kewaunee and Door;

No. 335, S., a bill for an act to legalize the acts of the county board of supervisors of Manitowoc county for the year A. D. 1859;

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J. Res. No. 20, S., fixing the day of final adjournment on the 2d day of April.

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

On motion of Sen. Davis,
All rules were suspended,
In order to put upon its passage, said bill,
No. 282, S.;
With amendments.

The amendments were adopted, and the bill ordered to a third reading and read.

On the passage of the bill,
The ayes and noes being required,
The bill was passed—ayes 25, noes 1.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Tayolr, Thurbur, Virgin, Washburn and Worthington—25.

Senator Fratt voted in the negative.

Senator Decker moved that the Senate take a recess till three o'clock this afternoon.

Pending which,
On motion of Sen. Curtis,
Senate adjourned.

---

4 o'clock, P. M.

Senate met.
Lieut. Governor in the chair.
Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred:

By Sen. Washburn:

No. 358, S., a bill for an act in relation to the terms of the circuit court in Winnebago county;
To Judiciary committee.

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RESOLUTIONS INTRODUCED,

And considered:

By committee on Federal Relations:

Jt. Res. No. 22, S.,

Whereas, The Legislature of the State of New York, has recently passed the following resolutions, to wit:

Resolved, (if the Senate concur,) That this Legislature and the citizens of this State, look with surprise, mortification and detestation upon the virtual reopening within the Federal Union of the slave trade; that against this invasion of our laws, our feelings, and the dictates of christianity, we solemnly protest here, as we will protest elsewhere, and especially at the ballot box; that we call upon the citizens of this Union to make common cause, in the name of religion, humanity and as friends of principles underlying our system of government to unite in bringing to immediate arrest and punishment of all persons engaged in the unlawful and wicked slave trade and hereby instruct our Senators and Representatives in Congress to exert all lawful powers for the immediate suppression of the infamous traffic.

Resolved, (if the Senate concur,) That the Executive of this State be required to transmit a copy of these resolution to the Legislatures of the several States of the Union, and earnestly request their co-operation in arresting this great wickedness;

Therefore,

Resolved, by the Senate, the Assembly concurring, That this Legislature, and the people of Wisconsin, do most unqualifiedly endorse this action of the Legislature of our sister State; that we hold the slave trade to be a monstrous crime against humanity, and its re-opening, a national calamity and sin; that we will cordially co-operate in bringing to arrest and punishment all persons engaged in this execrable commerce; and hereby instruct our Senators and Representatives in Congress to exert all lawful powers for the immediate suppression of the infamous traffic.

Sen. Rodolf moved to lay the resolutions on the table.

The ayes and noes were called for,

And the motion was lost—ayes 9, noes 13.

Those who voted in the affirmative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf and Sweat—9.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hutchinson, Masters, Phillips, Simpson, Stewart and Worthington—13.

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Sen. Curtis moved the previous question,

And the call was not sustained.

Sen. Cox moved the previous question.

Ruled out of order.

Sen. Maxon moved to postpone the further consideration of the resolutions till Saturday next.

The ayes and noes were called for,

And the motion prevailed—ayes 18, noes 10.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Sweat, Taylor, Thurbur, Virgin and Washburn—18.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Stewart and Worthington—10.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.

By Sen. Egan:

No. 359, S., a bill for an act to remit to the county of Milwaukee $1970 11, of State tax, levied on exempt property in said county;

To committee on Finance.

REPORTS OF COMMITTEES.

The Committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled, viz:

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases.

No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, Revised Statutes, entitled "of Grand and Petit Jurors.

No. 342, S., a bill for an act to amend an act entitled an act to appropriate the islands in the Wisconsin river, between a line running parallel with the fourth principal meridian, ten miles east thereof, and a line running parallel with said meridian, nine miles west thereof to the Muscoda and Richland Bridge Co.

No. 267, S., a bill for an act to provide for the laying out a State road therein named.

No. 347, S., a bill for an act to change the time for holding the annual election for city and ward officers in the City of Racine for the year 1860;

No. 334, S., a bill for an act to provide for publishing the returned and treasurers' lists in certain towns in Sauk county in the *Pioneer am Wisconsin*.

GEO. BENNETT, *Ch'n.*

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The Joint Committee on Enrolled Bills, report that on the 26th inst., they presented the following bills to the Governor for his approval, to-wit:

No. 64. S., an act to discontinue the surveys and selection of Swamp and Overflowed lands, within this State;

No. 218, S., an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State Road therein named;

No. 188, S., an act concerning the transcribing of records;

No. 200, S., an act to amend chapter 160, of the General Laws of 1859, entitled an act to prescribe and limit the rate of interest.

The committee on Federal Relations, to whom was referred

No. 13, S.,

"The concurrent resolutions of the Legislature of the State of New York, in relation to the re-opening of the Slave Trade,"

Have considered the same, and instructed me to report them back with an accompanying joint resolution, and recommend the passage of the resolution.

H. W. CURTIS, *Ch'n.*

The committee on Education, School and University Lands to whom was referred

No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the drainage fund income, and to amend chapter 29, of the Revised States, entitled, of Swamp and Overflowed Lands,

Have had the same under consideration, and report the same back without any recommendation.

HUTCHINSON, *Ch'n.*

The committee on Banks and Banking, to whom was referred

No. 490, A., a bill for an act for the relief of the Reedsburg Bank;

Report the same back and recommend its passage.

D. WORTHINGTON, *Ch'n.*

The select committee to whom was referred

No. 395, A., a bill for an act to provide for the location and construction of a portion of the State road from Oshkosh to Green Bay;

Have had the same under consideration and herewith report the same back with amendments, and recommend its passage when so amended.

DECKER,
WASHBURN.

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The committee to whom was referred bill No. 398, A., entitled a bill for an act to vacate and extinguish the town of Orwell, in the county of Racine, and to attach the territory comprising the same to the towns of Mt. Pleasant and Caledonia, in said county, have had said bill under consideration and report the same back to the Senate without amendment and recommend its passage.

N. D. FRATT.

The committee to whom was referred bill No. 521, A., entitled a bill for an act to amend an act entitled an act to incorporate the city of Racine, in the county of Racine, approved Aug. 8th, 1848, and the several acts amendatory thereof, have had said bill under consideration and report the same back by substitute, and recommend the passage of said substitute.

N. D. FRATT.

The committee on Claims, to whom was referred

No. 283, S., a bill for an act to appropriate the sum of $5,000 to the State Prison commissioner;

No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled "of actions against the State;"

Have had said bills under consideration, and report them back with the recommendation that they do pass.

Also,

No. 38, S., the account of A. L. Burke for reward for apprehending and delivering to the custody of the sheriff of La-Fayette county, Elijah Brown;

Have considered the same, and report it back with the recommendation that it be paid from the contingent fund.

Also,

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane, a sum of money therein named to pay the debts existing against said institution;

Have considered the said bill, and have reported it back with amendment, and recommend its passage as amended.

Also,

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

No. 353, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane;

Have considered said bills, and report them back without recommendation.

Z. P. BURDICK, *Ch'n.*

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The committee on State Affairs, to whom was referred

No. 534, A., a bill for an act to amend chapter 9, of the Revised Statutes, entitled "of the Legislature," and also acts of a general nature of 1858, incorporated therein;

Have had the same under consideration, and report the same back without any recommendation.

HUTCHINSON, *Ch'n.*

Also,

No. 106, S., a bill for an act to amend chapter 9, of the Revised Statutes, entitled "of the Legislature;"

Is of same nature, and it is recommended that same be indefinitely postponed.

HUTCHINSON, *Ch'n.*

ASSEMBLY MESSAGE OF THIS MORNING

Considered.
Read first and second times and referred.
No. 407, A.,
To Roads, Bridges and Ferries.
No. 159, A.,
To Judiciary committee.
Nos. 540 and 556, A.
To General file.
No. 615, A.,
To Committee on Incorporations.
Nos. 390 and 401, A.,
To Committee on Finance.

BILLS READY FOR A THIRD READING.

No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin Reports;

Was read a third time.

On the passage of the bill,

The ayes and noes were required,

And the bill was passed—ayes 23, noes 2.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Comstock, Cox, Davis, Decker, Eagan, Ferguson, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—23.

Those who voted in the negative were

Senators Fratt and Thurbur.

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BILLS ON THEIR THIRD READING.

No. 275, A., a bill for an act to amend sections 69 and 70, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;"

Was read a third time.

On the passage of the bill,

The ayes and noes were called for;

And the Senate refused to pass the bill—ayes 9, noes 15.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Ferguson, Phillips, Sweat and Taylor—9.

Those who voted in the negative, were

Senators Bartlett, Cox, Decker, Gill, Hilgen, Hotchkiss, Hutchinson, Master, Maxon, Rodolf, Simpson, Stewart, Thurbur, Virgin and Worthington—15.

No. 277, A., a bill for an act to amend chapter 139, of the Revised Statutes, entitled "of appeals, writs of error and proceedings thereon;"

Was read a third time.

On the passage of the bill, the ayes and noes were called for, and

The bill was passed—ayes 23, noes 4.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin and Washburn—23.

Those who voted in the negative, were

Senators Hilgen, Maxon, Rodolf and Worthington—4.

REPORT OF THE COMMITTEE OF THE WHOLE,

Of this forenoon, considered:

Nos. 100, 233, 241, 159, 261, S., and 348 and 41, A.,

Were indefinitely postponed.

No. 204, S.,

Was withdrawn by leave.

No. 417, A.,

Was laid on the table.

The amendments to

Nos. 259, 281, and 291, S.;

Were adopted;

And the bills as amended, were ordered engrossed for a third reading.

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The amendments to bills
Nos. 313, 283, 328 and 121, A.,
Were adopted; and
The bills, as amended, were ordered to a third reading.
Nos. 260, 246 1-2, 157, 266, 258, 280, 270, 300 and 374, S.,
Were ordered engrossed for a third reading.
Nos. 529, 73, 384, 303 and 315, A.,
Were ordered to a third reading.
The question occurring on the adoption of the amendment to
No. 244, S.,
Senator Maxon moved to amend the bill by striking out the words "any money in the State treasury not otherwise appropriated," in lines one and two of section 1, and insert the following: "the per diem of the members of the present legislature;"
The ayes and noes were called for, and
The motion was lost—ayes 10, noes 17.
Those who voted in the affirmative were
Senators Cox, Curtis, Decker, Ferguson, Gill, Hilgen, Maxon, Phillips, Simpson and Taylor—10.
Those who voted in the negative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Egan, Fratt, Hotchkiss, Hutchinson, Masters, Rodolf, Stewart, Sweat, Virgin, Washburn and Worthington—17.
The question occurring on the adoption of the amendment of the committee of the whole,
The ayes and noes were called for, and
The amendment was adopted—ayes 18, noes 8.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Fratt, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Sweat, Virgin, Washburn and Worthington—18.
Those who voted in the negative were
Senators Cox, Curtis, Decker, Egan, Ferguson, Gill, Hilgen and Maxon—8.
The bill as amended was then ordered engrossed for a third reading.
The question occurring on ordering to a third reading bill
No. 140, S.,
The ayes and noes were called for;
And it was so ordered—ayes 17, noes 10.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Mas-

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ters, Phillips, Stewart, Virgin, Washburn and Worthington.—17.

Those who voted in the negative were

Senators Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat and Taylor—10.

Mem. No. 6, S., memorial to Post Master General for reinstatement of service on route 13031;

Was ordered engrossed for a third reading.

The Senate refused to order to third reading bill.

No. 183, A., on motion of Senator Decker, the vote by which the Senate refused to order the bill to a third reading, was re-considered, and the bill was ordered to a third reading;

Senator Hutchinson renewed his motion to re-consider the vote by which the Senate on the 2nd day of March inst. indefinitely postponed bill.

No. 297, A., a bill for an act to legalize the sale of land for unpaid taxes in the county of Trempeleau;

And the motion prevailed.

The question then occurring on indefinitely postponing the bill, the Senate refused to indefinitely postpone.

The question then occurring on ordering the bill to a third reading;

It was so ordered.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President—

I am directed to present for signature

No. 36, S., a bill for an act providing for grand and petit jurorsin this State, and to amend sections 3, 8, and 13, of chapter 118, of Revised Statutes, entitled of grand and petit jurors;

No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;

No. 267, S., a bill for an act to provide for the laying out of a State road therein named;

No. 334, S., a bill for an act to provide for publishing the returned and treasurers lists in certain towns in Sauk county, in the *Pioneer am Wisconsin.*

No. 342, S., a bill for an act to amend an act entitled an act to appropriate the islands in the Wisconsin River between a line running parallel with the 4th principal meridian, ten miles east thereof, and a line running parallel with said meridian nine west thereof, to the Muscoda and Richland Bridge Co.;

And

No. 347, S., a bill for an act to change the time for holding

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the annual election for city and ward officers in the city of Racine for the year 1860;

Which have been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

Mr. PRESIDENT:—

I am directed to inform you that the Assembly has passed

No. 366, A., a bill for an act to provide for condemning the right of way for purposes of roads and internal improvements;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature the following bills, which have been signed by the Speaker:

No. 174, A., an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled, of the liens of mechanics and others;

No. 372, A., an act to authorize the Commissioners of School and University Lands, to refund certain sums of money to Joseph Goldsmith;

No. 380, A., an act prescribing the place of filing chattel mortgages on certain classes of property;

No. 431, A., an act concerning the coupons of the Capitol extension bonds, issued by the city of Madison;

No. 470, A., an act to organize the county of Ashland;

No. 592, A., an act to repeal section 2, of chapter 119, of ehe Private and Local Laws of 1858, entitled an act to amend chapter 132, of the Private and Local Laws of 1857, entitled an act to incorporate the city of Appleton.

I am further directed to inform you that the Assembly has amended

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;

By adopting a substitute thereto, in which the concurrence of the Senate is requested.

ASSEMBLY MESSAGE

Considered.

No. 366, A.;

Was read first and second times, and

Referred to committee on Roads, Bridges and Ferries.

On motion of Sen. Worthington, bill

No. 11, S.;

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With an Assembly amendment,
Was referred to the committee on Finance.
Sen. Hutchinson moved that the Senate take a recess till half past seven o'clock this evening;
Withdrawn.
On motion of Sen. Hutchinson,
Senate adjourned.

TUESDAY, MARCH 27th, 9 o'clock, A. M.

Senate met.
Lieut. Gov. in the Chair.
Prayer by the Rev. Mr. Eggleston.
Roll called and quorum present.
Reading of the journal of yesterday dispensed with.

BILLS INTRODUCED ON LEAVE,

Read first and second times and referred.
By Sen. Stewart:
No. 360, S., a bill for an act to incorporate the Monticello Union Meeting House Association;
To general file.
By Select committee of Sen. Seeley, Simpson and Stewart:
No. 361, S., a bill for an act to provide for an appeal from the decision of the State Auditor to the Supreme Court in certain cases;
To general file.
By Sen. Phillips:
No. 362, S., a bill for an act amending chap. 87, of the Gen. Laws of 1858, entitled "an act providing for the organization, enrolling and discipline of the militia of the State of Wisconsin;
To Judiciary Committee.
By Sen. Hutchinson:
No. 363, S., a bill for an act to amend section 2, of chapter 137, of the General Laws of 1856, entitled "an act to execute the trust created by an act of Congress, entitled an act granting public lands to the State of Wisconsin, to aid in the construction of railroads in said State, approved June 3d, 1856,

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by incorporating the Wisconsin and Superior Railroad Company, and granting a portion of said lands thereto;"

To committee on Railroads.

By committee on Benevolent Institutions:

No. 364, S., a bill for an act to repeal chap. 218, of the Gen. Laws of 1859, entitled an act to provide for the government of the Wisconsin State Hospital for the Insane;

To general file.

By Sen. Simpson:

No. 365, S., a bill for an act to amend an act entitled "an act to incorporate the Shullsburg Branch Railroad Co.;"

To committee on Railroads.

REPORTS OF COMMITTEES.

The committee on Finance, to whom was referred

No. 401, A., and 390, A., to authorize the Secretary of State to audit certain accounts;

Report the same back and recommend their passage.

A. I. BENNETT, *Ch'n.*

The majority of the committee on Militia, to whom was referred the communication of the Governor upon the subject of the militia laws of this State, beg leave to report,

That they find, upon examination, the present laws to be defective for the complete and efficient organization of the militia, for any practical purpose. That between the constitution and laws of the State, there is a marked andmaterial discrepancy in the powers conferred upon the Governor as Commander in-chief. Your committee also find the authority of the Executive wholly inadequate to meet "any contingency where the rights of jurisdiction and sovereignty of the State are imposed upon by usurpation or aggression from without, or where they are likely to suffer from insurrection or rebellion from within." Your committee also find, that there is no provision for expense that must necessarily be incurred from day to day, and constantly, in case the militia is called into active service. If it is desirable to have a military organization in this State, at all, to aid in case of necessity in the execution of the laws, to protect the rights and jurisdiction and sovereignty of the State from "usurpation or aggression," or from insurrection or rebellion, that organization should be of such a character as to answer fully its objects. In view of these considerations, your committee submit a bill amending chapter 87, of the General Laws of 1858, upon the organization of the militia, &c., designating who shall, and who shall not be exempt from the performance

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of military duty, with a recommendation that it be referred to the Judiciary Committee, to be perfected in such manner as to remedy the defects suggested by the Governor in his special message of March 7, 1860.

Your committee cannot refrain from protesting against the improper, and apparently, disrespectful manner in which this subject has been treated by the minority of the committee, in his report of March 23d. The Governor sent to the Legislature, a message upon the subject of what he supposed to be serious defects in the militia laws of the State. The message treated upon a proper subject of legislation, and was couched in respectful language. The committee have no controversy with the laws of Congress upon the subject of military organizations. The Governor suggested nothing that could conflict with the laws of Congress on the subject. The most ingenious can find to proposition in the message, either direct or presumptive, indicating a disposition to resist the laws of the United States, or do any act not authorized by the constitution and laws of the United States, or of this State.

Your committee submit that it is not unconstitutional, or in conflict with the laws of the United States, that it is the "duty of the Governor, and of all the subordinate officers of the State, to maintain and defend its sovereignty and jurisdiction," or to "take care that the laws be faithfully executed." The Constitution and laws of the State now require this.

Your committee further submit, that it is neither unconstitutional, or contrary to any law of the United States, to make the military organization efficient and adequate "to meet any contingency, where the rights, or jurisdiction, or sovereignty of the State are imposed upon by usurpation or aggression from without, or where they are likely to suffer from insurrection or rebellion from within." It is the duty of every State Government to provide for such contingencies, and, in case the State has not sufficient power, it is the duty of the Federal Government to come to its aid.

Your committee further submit, that it is not unconstitutional, or contrary to the laws of the United States, for the Legislature to provide for the payment of any expenses necessarily and constitutionally incurred, or for the Governor to "undertake to do in all cases, and without regard to consequences, whatever the Legislature may, or shall *constitutionally* authorize or require, to the full extent of the power conferred, and means furnished for the performance of public duties."

Yet, these things, and these alone, constitutional, patriotic, and necessary, in all good governments, are what the attention of the Legislature has been called to by the Executive. He

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would have been false to his duty, if, seeing the defects, and appreciating his obligations, he had failed to call the attention of the Legislature to them. The Governor has made no complaints, as the report of the minority of the committee suggests, but simply calls the attention of the Legislature to a discrepancy between the Constitution and Laws of this State as to the powers of the Commander-in-chief. He did not even intimate which he thought to be wrong, the Constitution or the State. Every man who can read, can see the discrepancy at once.

The Governor, in his message exhibits no mental trouble, as stated in the minority report, about the alleged opinion of a captain of a uniform company of the militia, that it would not be his duty to turn the arms of the United States, held by his company, against the authorities of the United States, to oppose the execution of the laws of the United States. Your committee understand that all orders to the militia of this State, from the President of the United States are to be transmitted through the Executive of this State ; and from the message sent to the Legislature, your committee has no right to presume a conflict between the Federal and State authorities. The Governor has power to disband military companies whenever, in his opinion, the interests of the militia of the State require such action. With that we have nothing to do. Within the last year several companies have been disbanded. No company has been disbanded because an officer refused to be "guilty of treason aginst the United States," or "to violate his oath to support the constitution of the United States."

Why such a report should have been made upon a respectful message, dragging in matters in no manner submitted to the consideration of this committee, the majority of your committee are at a loss to determine, upon any ground that can command the confidence of the Senate. The *majority* of your committee do not propose to *air their* patrotism by imputing improper motives or improper actions, or in the use of disrespectful language to an independent department of the Government of this State, particularly upon matters not submitted to their examination, and with which they have no business to interfere. The matter of the message was properly submitted to the consideration of the Legislature. The manner and the language of the message were proper and respectful, and they are entitled to be respectfully treated, and, we trust, will be, by every fair-minded and honorable member of this body.

All of which is respectfully submitted,

E. L. PHILLIPS,
O. F. BARTLETT.

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The select committee, to whom was referred

No. 256, S., entitled, a bill for an act to define and adjust certain portions of the contract for the public printing;

And the amendments thereto,

Have had the same under consideration, and report the same back to the Senate, and recommend that the said bill and the amendments thereto, be laid upon the table.

The committee herewith report a new bill upon the same subject and recommend the passage thereof.

M. W. SEELEY,
P. B. SIMPSON,
J. W. STEWART.

The committee on Engrossed Bills have examined the following bills, and report the same as correctly engrossed, viz:

Nos. 281, S., 244, S., 291, S., 259, S., 246 1-2, S.

R. H. HOTCHKISS.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time, and passed:

No. 140, S., a bill for an act to amend chapter 167, of the Revised Statutes, entitled "of offences against public justice;"

The ayes and noes being required,

The bill passed—ayes 14, noes 12.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Hanchett, Hutchinson, Masters, Phillips, Virgin, Washburn and Worthington—14.

Those who voted in the negative, were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—12.

No. 280, S., a bill for an act to authorize the State Prison Commissioner to draw money from the State treasury;

The ayes and noes were called for,

And the bill passed—ayes 26, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn, and Worthington—26.

None voted in the negative.

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

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The ayes and noes being required,

The bill passed—ayes 24.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Thurbur, Virgin, Washburn and Worthington—24.

None voted in the negative.

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislature for the year 1860;

The ayes and noes being required,

The bill passed—ayes 19, noes 7.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Decker, Fratt, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor, Thurbur, Virgin and Worthington—19.

Those who voted in the negative, were

Senators Cox, Eagan, Ferguson, Gill, Hilgen and Hotchkiss and Maxon—7.

No. 281, S., a bill for an act to authorize the State Prison Commissioner to exchange or purchase land as therein specified;

No. 259, S., a bill for an act to lay cut a State road from Eau Claire, in Eau Claire county, via. Falls City and Downsville, to Eau Galla, in Dunn county;

No. 258, S., a bill for an act to authorize Burrage B. Downs to keep and maintain a boom upon Red Cedar River;

No. 291, S., a bill for an act to amend chapter 23, of the Revised Statutes, entitled "of common schools;"

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge across the Manitowoc River;

No. 300, S., a bill for an act to repeal section 3, of chapter 210, of the General Laws of 1859, entitled "an act to provide a permanent school library fund;"

No. 260, S., a bill for an act to legalize the acts of Bristol Cemetery Association;

No. 246 1-2, S., a bill for an act to repeal section 2, of chap. 197, of Laws of 1859, entitled "an act in relation to evidence and limitation in certain cases;"

No. 266, S., a bill for an act to lay out a State road therein named;

Mem. No. 6, S., memorial to the Post Master General for reinstatement of service on route 13,031.

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BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 283, A., a bill for an act to equalize the State tax for Brown county;

The ayes and noes were called for, and

The bill was passed—ayes 19, noes 7.

Those who voted in the affirmative, were

Senators Cox, Curtis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Simpson, Sweat, Taylor, Virgin and Washburn—19.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Masters and Worthington—7.

No. 73, A., a bill for an act to authorize the laying out of a State road from Prairie du Chien to La Crosse;

No. 529, A., a bill for an act to appropriate to O. G. Scofield the sum of $200;

The ayes and noes being required,

The passage was concurred in—ayes 26, noes 1.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Seeley, Simpson, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—26.

Senator Stewart voted in the negative.

No. 313, A., a bill for an act to amend chapter 88, of the General Laws of 1857, entitled "an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin;"

No. 121, A., a bill for an act to amend section 4, of chapter 124, of the Revised Statutes, entitled "of the manner of commencing civil actions;"

No. 328, A., a bill for an act to amend chapter 151, of the General Laws of 1859, entitled "an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 120, of the Revised Statutes;"

No. 384, A., a bill for an act to amend section 53, of chapter 140, of the Revised Statutes, entitled "of miscellaneous proceedings in civil actions, and general provisions;"

No. 374, A., a bill for an act to amend chapter 127, of the Revised Statutes, entitled "of arrest and bail;"

No. 183, A., a bill for an act relating to the estate of F. I. Vander Brock;

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No. 303, A., a bill for an act to enable the city of Fond du Lac to settle with its bondholders;

No. 297, A., a bill for an act to legalize the sale of land for unpaid taxes in the county of Trempeleau;

No. 315, A., a bill for an act to amend section 3, of chapter 190, of the Revised Statutes, entitled of prisons generally, and common jails.

REPORT OF THE COMMITTEE OF THE WHOLE,

Of yesterday, considered:

No. 173, S., a bill for an act to amend sections 95, of chapter 18, and section 59 and 127, of chapter 13, of the Revised Statutes, relating to the duties of county treasurers, and clerks of boards of supervisors;

With amendments;

The amendments were adopted, and

The Senate refused to order the bill engrossed for a third reading.

Sen. Curtis moved that the Senate take a recess for half an hour, so that Senators can prepare themselves to give attention to business;

Withdrawn.

Sen. Gill moved to reconsider the vote by which the Senate refused to order to a third reading, said bill,

No. 173, S.,

And the motion prevailed.

The question then being, shall the bill be ordered engrossed for a third reading;

It was so ordered.

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State Historical Society;"

Was ordered engrossed for a third reading.

Sen. Stewart moved that all rules be suspended in order to put upon its passage said bill,

No. 321, S.,

And the motion was lost.

No. 42, A., a bill for an act exempting certain University Lands from taxation;

The question occurring on indefinitely postponing the bill;

The ayes and noes were called for,

And the Senate refused to so order—ayes 8, noes 15.

Those who voted in the affirmative were

Senators Ferguson, Gill, Hilgen, Maxon, Simpson, Taylor, Thurbur and Virgin—8.

Those who voted in the negative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Decker, Eagan, Fratt, Hutchinson, Phillips, Stewart, Sweat, Washburn and Worthington—15.

The question then occurring on ordering the bill to a third reading;

The ayes and noes were called for,

And it was so ordered—ayes 16, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Fratt, Hutchinson, Phillips, Stewart, Sweat, Taylor and Worthington—16.

Those who voted in the negative were

Senators Ferguson, Gill, Hilgen, Masters, Maxon, Seeley, Simpson, Thurbur, Virgin and Washburn—10.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, March 27, 1860.

To the Senate:

The following entitled bills, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

No. 59, an act to amend section 1, of chapter 79, of the Revised Statutes, passed 1858, entitled "railroads," and acts of a general nature;

No. 183, an act to promote the construction of horse railways in the city of La Crosse;

No. 193, an act to amend chapter 30, of the Private and Local Laws of Wisconsin for the year 1859, entitled "an act to amend an act to incorporate the village of Waukesha;

No. 220, an act to repeal chapter 47, of the Private and Local Laws of 1857, entitled "an act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city;

No. 230, an act authorize school distric No. 1, of the town of Jefferson, to raise a tax to build a school house;

No. 238, an act authorizing the German Evangelic, Lutheran Society, of the village of Manitowoc, to re-organize, and to change their corporate name, and to legalize the acts of said society;

No. 132, an act to appropriate to Wakeley and Tenney, the sum of $250;

No. 250, an act to appropriate to Joseph Giles, the sum of $75.

No. 253, an act to authorize the School Land Commissioners to remit certain penalties;

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No. 298, an act to exempt sewing machines from levy and sale on execution;

No. 325, an act to amend an act in relation to public schools in the city of Watertown, and to repeal the act amendatory thereof;

No. 64, an act to discontinue the surveys and selection of Swamp and Overflowed Lands within this State;

No. 188, an act concerning the transcribing of records;

No. 200, an act to amend chapter 160, of the General Laws of 1859, entitled an act to prescribe and limit the rate of interest;

No. 218, an act to amend chapter 104, of the Private and Local Laws of 1858, relating to a certain State Road therein named;

No. 36, an act providing for grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, Revised Statutes; entitled of grand and petit jurors;

No. 267, an act to provide for the laying out of a State road therein named.

ALEX. W. RANDALL.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:—

I am directed to present to you for signature,

No. 443, A., a bill for an act to incorporate the Mequon Farmers' Mutual Insurance Company;

Which has been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 282, S., a bill for an act to appropriate the sum of $25,000 to the State Prison Commissioner.

Sen. Seeley asked leave of absence till the last of the week;

And leave was granted.

Sen. A. I. Bennett moved that the Senate proceed to the consideration of bill

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

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Sen. Maxon moved to amend the motion so as to include bill

No. 353, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane.

On motion of Sen. Virgin,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the said bills,

Nos. 301 and 353, S.;

Sen. Stewart in the chair.

After some time spent therein, the committee rose, and reported back said bill

No. 301, S.,

With amendments;

And the recommendation to pass when so amended.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

The amendments to said bill

No. 301, S.,

Were adopted.

The question being on ordering the bill engrossed for a third reading;

Sen. Hotchkiss moved to amend section 5, by inserting the following after the word "hospital," in line 6:

Provided, That no person shall be appointed superintendent under the provisions of this act, unless he shall have had at least two years experience in a State Hospital, or Asylum for the Insane;

And the motion was lost.

Sen. Hotchkiss moved to amend the bill as follows:

Amend section 3 by adding,

Provided, That no such cutting up or alterations, which shall involve an expense exceeding the sum of $300, shall be made until the said Commissioners shall have, by a committee of three of their own number, examined at least two State Hospitals for the insane, (selecting for such examination those Hospitals nearest Madison,) and previous to making such alterations, such committee of visitation shall recommend such alterations in writing, and such recommendation shall receive the approval of the Governor;

And the motion was lost.

Sen. Hotchkiss moved to amend the bill as follows:

Amend section 3 by adding,

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Provided, That no such alterations shall be made until the Governor shall recommend the same in writing.

And the motion was lost.

Sen Worthington moved to amend the bill as follows:

"Strike out from the fifth section, the amendment relating to homeopathic and hydropathic physicians;"

Sen. Hotchkiss rose to a point of order, to wit:

"That the Senate having adopted the amendment, on Saturday last, it is now incompetent to strike out the amendment, and it is too late to move a reconsideration."

The point was sustained, and the amendment was ruled out of order.

Sen. Rodolf appealed from the decision of the chair.

The question being, "Shall the decision of the chair stand as the judgment of the Senate?"

Sen. Rodolf withdrew his appeal.

Sen. Worthington moved to refer the bill to the committee on Benevolent Institutions, with instructions to amend the bill by "striking out from the fifth section the amendment relating to homeopathic and hydropathic physicians;"

Sen. Simpson moved to amend the instructions, so as to authorize the committee to amend section 1, by inserting before the word "Senate" the word "present;"

And the motion prevailed.

The motion as amended was withdrawn, and

On motion of Sen. Curtis,

The amendments of Senators Wortington and Simpson, were made by unanimous consent.

The question then being on ordering the bill engrossed for a third reading, it was so ordered.

On motion of Sen. A. I. Bennett, all rules were suspended, in order to put the bill upon its passage.

The ayes and noes being required,

The bill was passed – ayes 19, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hanchett, Hutchinson, Phillips, Rodolf, Stewart, Sweat, Taylor, Virgin and Worthington—19.

Those who voted in the negative were

Senators Decker, Ferguson, Gill, Hilgen, Hotchkiss, Masters, Maxon, Simpson, Thurbur and Washburn—10.

On motion of Sen. Curtis,

The Senate resolved itself into

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THE COMMITTEE OF THE WHOLE,

On the general file.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

Jt. Res. No. 29, A., relative to grants of public lands to actual settlers, and to passage of the homestead bill;

No. 354, A., a bill for an act to amend an act entitled an act to incorporate the Peshtigo Lumbering and Manufacturing Company, approved Oct. 11th, 1856, and amendments thereto;

No. 169, A., a bill for an act regulating the rights of miners and persons digging lead ore;

No. 294, A., substitute for a bill for an act to provide for the disposal and expenditure of the drainage fund moneys, in Jefferson county;

No. 360, A., a bill for an act to amend an act to consolidate the several school districts in the city of Fond du Lac, approved February 24th, 1859;

No. 575, A., a bill for an act to vacate a certain street in the village of Waukau;

No. 271, S., a bill for an act to amend chapter 167, of the General Laws of 159, entitled "an act to amend chapter 18, of the Revised Statutes, entitled 'of the assessment and collection of taxes;'"

No. 305, S., a bill for an act to amend section 13, of chapter 94, of the General Laws of 1859, entitled "an act to amend and consolidate chapter 22, of the Revised Statutes, entitled "of acadamies and normal schools, and chapter 139, of the acts of a general nature, of 1859;"

No. 332, S., a bill for an act to amend chapter 190, of the Laws of 1850, entitled "an act to authorize a loan to the University of Wisconsin;"

With the recommendation of passage.

No. 359, A., a bill for an act to amend section 9, of chapter 2, of an act entitled "an act to incorporate the city of Fond du Lac," approved March 19th, 1852;

No. 219, S., a bill for an act to grant town license to travelling auctioneers;

No. 290, S., a bill for an act to amend chapter 134, of the Revised Statutes entitled "of executions, and proceedings supplementary thereto."

No. 63, S., a bill for an act to authorize the board of super-

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visors of the several countiesin this State to appoint a superintendent of county poor;

With recommendation of indefinite postponement.

No. 255, S., a bill for an act to provide for an independent State Treasury;

No. 361, A., a bill for an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 362, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

With amendments and the recommendation to pass when so amended.

No. 315, S., a bill for an act to amend chapter 134, of Rev. Statutes, "of executions and proceedings supplementary thereto;"

With the recommendation of reference to the Judiciary committee.

Mem. No. 101, S., memorial of the commissioners for building the Wisconsin State Hospital for the Insane;

With the recommendation that it lay on the table.

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

Mem. No. 101, S.,
Was laid on the table.
Nos. 359, A., and 219, 290, and 63, S.,
Were indefinitely postponed.
The amendments to said bills
Nos. 255, S., and 361, and 362, A.,
Were adopted; and
Nos. 361, and 362, A.,
Were ordered to a third reading.
The question occurring on ordering
No. 255, S.,
To a third reading;

Sen. Washburn moved to amend section 1, by inserting before the word "interest," the words "principal and;"

And the motion prevailed.

The question occurring on ordering the bill as amended, to be engrossed to a third reading,

The ayes and noes were called for,

And it was so ordered—ayes 18, noes 7.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Decker, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Simpson, Sweat, Taylor and Washburn —18.

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Those who voted in the negative were

Senators Comstock, Cox, Curtis, Davis, Phillips, Virgin, and Worthington—7.

Jt. Res. No. 94, A., and bills Nos. 354, 169, 294, 360 and 575, A.,

Were ordered to a third reading.

Nos. 29, 305 and 332, S.,

Were ordered engrossed for a third reading.

No. 315, S.,

Was referred to Judiciary committee.

Sen. Hotchkiss moved to refer to the Finance committee,

No. 271, S.,

And the motion was lost.

On motion of Sen Hotchkiss,

The bill was then laid aside till this afternoon.

On motion of Sen. Hotchkiss,

The Senate reconsidered the vote by which bill No. 321, S., was ordered engrossed for a third reading.

The question then being on ordering the bill engrossed for a third reading;

Sen. Hotchkiss moved to amend section 1, by striking out the word "six," in the first line, and the word "eight," in the second line.

A division of the question was called for and ordered.

The Senate refused to strike out the word "six," and ordered the word "eight" to be stricken out.

The bill, as amended, was then ordered engrossed for a third reading.

On mition of Sen. Maxon,

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

Was taken from the table.

The question occurring on ordering the bill engrossed;

Sen. Rodolf moved that the Senate do now adjourn;

The ayes and noes were called for, and

The Senate refused to adjourn—ayes 13, noes 15.

Those who voted in the affirmative were

Senators Burdick, Cox, Davis, Eagan, Hutchinson, Masters, Phillips, Rodolf, Stewart, Sweat, Taylor, Virgin and Washburn—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Curtis, Decker, Ferguson Fratt, Gill, Hilgen, Hotchkiss, Maxon, Simpson, Thurbur and Worthington—15.

Sen. Maxon moved to amend the bill by striking out all after

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the enacting clause, and inserting a new bill relating to gas for the Capitol;

Pending which,

Senator Hotchkiss moved that the Senate do now adjourn;

And the motion was lost.

Sen. Hutchinson moved that the bill with the amendment be referred to the committee on Contingent Expenses;

Pending which,

Sen. Simpson moved that the Senate do now adjourn;

The ayes and noes were called for, and

The motion was lost—ayes 14, noes 14,

The President voting in the negative.

Those who voted in the affirmative were

Senators G. Bennett, Curtis, Ferguson, Fratt, Gill, Hilgen, Hutchinson, Phillips, Rodolf, Simpson, Stewart, Sweat, Virgin and Washburn—14.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Hotchkiss, Masters, Maxon, Taylor, Thurbur and Worthington—14.

The question recurring on Senator Hutchinson's motion to refer;

The motion was lost.

Sen. Simpson moved that the Senate do now adjourn;

The ayes and noes were called for, and

The motion was lost—ayes 14, noes 15.

Those who voted in the affirmative were

Senators G. Bennett, Curtis, Ferguson, Hilgen, Hutchinson, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—14.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Davis, Decker, Eagan, Fratt, Gill, Hotchkiss, Masters, Maxon and Thurbur—15.

Sen Simpson moved that the Senate resolve itself into the committee of the Whole on the general file, and

The motion was lost.

Sen. Maxon moved that the bill and amendment be referred to the committee on Claims, and

The motion prevailed.

Sen. Hutchinson moved that the Senate take a recess till 8 o'clock this afternoon;

Pending which,

On motion of Sen. Hutchinson,

The Senate adjourned.

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4 o'clock, P. M.

Senate met.
Lieut. Gov. in the chair.
Roll called and quorum present.

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred:
By Sen. Simpson:
No. 366, S., a bill for an act to amend chapter 158, of the Revised Statutes, entitled of the writ of habeas corpus;
To the general file.

No. 367, S., a bill for an act to authorize the transfer of certain public documents therein named;
To the general file.

By Sen. Eagan:
No. 368, S., a bill for an act to appropriate to the St. John's Charity Hospital, of the city of Milwaukee, a sum of money therein named;
To committee on Claims.

RESOLUTIONS INTRODUCED

And considered:
By Sen. Simpson:
No. 90, S.,
Resolved, That the joint committee for Investigation have until to-morrow morning to make their report, as provided for by section 16, of the Revised Statutes, and that said committee do then make their report;
The Senate refused to adopt the resolution.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that, on the 27th inst., they presented to the Governor for his approval, the following bills, viz:
No. 36, S., a bill for an act providing for grand and petit jurors in this State, and to amend sections 3, 8 and 13, of chapter 118, of the Revised Statutes, entitled of grand and petit jurors;
No. 34, S., a bill for an act to authorize the service of process by publication in certain cases;

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No. 342, S., a bill for an act to amend an act entitled an act to appropriate the islands in the Wisconsin river between a line running parallel with the fourth principal meridian ten miles east thereof, and a line running parallel with said meridian, nine miles west thereof, to the Muscoda and Richland Bridge Company;

No. 267, S., a bill for an act to provide for the laying out a State road therein named;

No. 334, S., a bill for an act to provide for publishing the returned and treasurer's lists in certain towns in Sauk county, in the *Pioneer am Wisconsin;*

No. 347, S., a bill for an act to change the time for holding the annual election for city and wand officers in the city of Racine for the year 1860.

No. 282, S., a bill for an act to appropriate the sum of $25,000 to the State Prison Commissioner.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The joint committee on enrolled bills report that on the 20th inst., they presented the following bills to the Governor, for his approval, to wit:

No. 380, A., an act prescribing the place for filing chattel mortgages on certain classes of property;

No. 174, A., an act to amend section 1, of chapter 113, of the General Laws of 1859, entitled of the liens of mechanics and others;

No. 372, A., an act to authorise the commissioners of school and university lands to refund certain sums of money to Joseph Goldsmith;

No. 431, A., an act concerning the coupons of the capitol extension bonds issued by the city of Madison;

No. 592, A., an act to repeal section 2, of chapter 119, of the Private and Local Laws of 1858, entitled an act to amend chapter 132, of the Private and Local Laws of 1857, entitled an act to incorporate the city of Appleton;

No. 470, A., an act to organize the county of Ashland;

No. 443, A., an act to incorporate the Mequon Farmers' Mutual Insurance Company.

G. BENNETT, *of Senate.*
C. MILLER, *of Assembly.*

The committee on Enrolled Bills report that they have examined, and find correctly enrolled the following bill, viz.:

No. 282, S., a bill for an act to appropriate the sum of twenty-five thousand dollars to the State Prison Commissioner.

GEO. BENNETT, *Ch'n.*

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The committee on Judiciary, to whom was referred

No. 171, S., a bill for an act concerning the sale of real estate on execution and upon judgments, for the foreclosure and sale of mortgaged premises, have considered the same, and instructed me to report the same back with amendments and without recommendation.

HANCHETT, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 613, A., "a bill for an act to authorize the common council for the city of Milwaukee to erect a breakwater in the 3d ward;"

No. 494, A., a bill for an act to amend chapter 121, of the Revised Statutes, entitled "of the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein;"

No. 358, S., "a bill for an act in relation to the terms of the Circuit Court in Winnebago county;"

No. 11, A., a bill for an act to legalize the sale of lands for unpaid taxes in Douglas county;

Have considered the same, and instructed me to recommend that they be passed.

HANCHETT, *Ch'n.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present to you for signature,

No. 282, S., a bill for an act to appropriate the sum of $25,000 to the State Prison Commissioner;

No. 259, A., a bill or an act to incorporate the Fort Howard and Appleton Railroad Company;

No. 584, A., a bill for an act to extend the time for the collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;

No. 289, A., a bill for an act to amend chapter 97, of the Private and Local Laws of 1859, entitled "on act to amend chapter 93, of the Private and Local Laws of 1858, entitled 'an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof;'"

No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

No. 531, A., a bill for an act to authorize the borough of

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Fort Howard to issue bonds to aid in the construction of a railroad from Fort Howard to Appleton;

No. 447, A., a bill for an act to amend chapter 2, of the of the Revised Statutes, entitled of the division of the State into counties and their boundaries;

No. 388, A., a bill for an act to provide for the disposal and expenditure of the drainage fund money, in Brown county;

No. 589, A., a bill for an act to repeal chapter 268, of the Private and Local Laws of 1856, entitled an act granting the right to keep and maintain a ferry across the Mississippi River in Buffalo county;

No. 290, A., a bill for an act to appropriate to Hitchcock & Co., the sum of $1,242 25;

No. 444, A., a bill for an act to incorporate the Tyrone Lake Canal Company;

No. 382, A., a bill for an act to provide for the expenditure of the Drainage Fund moneys, in the county of Marathon;

No. 571, A., a bill for an act providing for a lien for labor and service upon logs and lumber in certain counties;

No. 514, A., a bill for an act to authorize the construction of a bridge across Fox river at Wright's Ferry, Wrightstown, Brown county;

And,

No. 604, A., a bill for an act to amend chapter 92, of the General Laws of 1860, entitled an act to amend chapter 131, of the Private and Local Laws of 1857, entitled an act to incorporate the city of Mineral Point;

Which have been signed by the Speaker.

I am also directed to inform you that the Assembly has refused to pass

No. 30, S., a bill for an act to provide for the service of process on non-resident defendants in certain cases.

I am also directed to in form you that the Assembly have concurred in

No. 23, S., a bill for an concerning judgments in certain cases;

No. 295, S., a bill for an act to incorporate the Dane county agricultural and mechanical association;

No. 265, S., a bill for an act to appropriate to S. S. Keyes, the sum of $23;

No. 263, S., a bill for an act to appropriate to Wm. Edgar, the sum of $15 25;

No. 306, S., a bill for an act to appropriate to Thos. Gill the sum of $30;

No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

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No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

No. 215, S., a bill for an act to appropriate to James M. Maughs the sum of $25;

No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;

No. 246, S., a bill for an act to revive the Rock Lake Cemetery Association;

No. 272, S., a bill for an act to provide for the holding of the annual school meeting in school district No. 4, of the town of East Troy;

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Brown, Oconto and Kewaunee counties;

No. 309, S., a bill for an act to appropriate to Francis Henwood, the sum of $30;

No. 308, S., a bill for an act to appropriate to Wm. J. Gill the sum of $42;

No. 307, S., a bill for an act to appropriate to Thos. Knudson the sum of $38.

No. 216, S., a bill for an act to apprrpriate to James M. Fowler the sum of $177;

Without amendment, and

No. 318, S., a bill for an act to authorize the city of Kenosha to levy a special tax for harbor improvement and to repeal section 4, of subdivision 6, chapter 133 of the Private and Local Laws of 1857, entitled "an act to consolidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof;

With amendment.

The Assembly has also passed

No. 590, A., a bill for an act to appropriate to Wm. F. Porter the sum of $73,75;

No. 592, A., a bill for an act to appropriate to E. G. Garner the sum of $50,25;

No. 573, A., a bill for an act to protect the State against loss by the withdrawal, in certain cases, of banking securities deposited with the State Treasurer;

No. 570, A., a bill for an act for the relief of Lorin Peterson;

And,

No. 639, A., a bill for an act to postpone the tax sales in Douglas county.

In which the concurrence of the Senate is requested.

The committee on Claims to whom was referred bill

No. 29, S.,

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With substitute, have considered the same and report it back with the recommendation that the substitute do pass.

Also,

No. 343, S., a bill for an act to authorize the Secretary of State to audit certain accounts;

Have had the same under consideration, and report it back and recommend its passage.

Also,

No. 43, S., the account of Thomas Hugill;

And report it back and recommend that the owner have leave to withdraw the same.

Z. P. BURDICK, *Ch'n.*

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred.

No. 318, S.,
With an amendment;
Amendment was concurred in.
No. 639, A.,
To committee on Finance.
No. 573, A.;
To committee on Banks and Banking.
Nos. 570, 5 0, and 591, A.
To general file.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and concurred in:

No. 361, A., a bill for an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 362, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

No. 360, A., a bill for an act to amend an act to consolidate the several school districts in the city of Fond du Lac, approved February 24th, 1857;

No. 575, A., a bill for an act to vacate a certain street in the village of Waukau;

No. 169, A., a bill for an act regulating the rights of miners and others digging for lead ore;

No. 294, A., a substitute to a bill for an act to provide for the disposal and expenditure of the drainage fund moneys in Jefferson county;

No. 354, A., a bill for an act to amend an act entitled "an act to incorporate the Peshtigo Lumbering and Manufacturing

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Company, approved Oct. 11th, 1856, and the amendments thereto;

J. Res. No. 29, A.,

Relative to the grants of public lands to actual settlers, and the passage of the homestead bill;

No. 42, A., a bill for an act exempting certain university lands from taxation;

The ayes and noes were called for, and

The bill was passed—ayes 17, noes 10.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hanchett, Hutchinson, Phillips, Stewart, Sweat and Worthington—18.

Those who voted in the negative, were

Senators Gill, Hilgen, Hotchkiss, Masters, Maxon, Simpson, Taylor, Thurbur, Virgin and Washburn—10.

BILLS READY FOR A THIRD READING.

No. 305, S., a bill for an act to amend section 13, of chapter 94, of the General Laws of 1859, entitled "an act to amend and consolidate chapter 22, of the Revised Statutes, entitled 'of acadamies and normal schools, and chapter 139, of the acts of a general nature of 1859;'"

Was read a third time and passed.

REPORT OF COMMITTEE OF THE WHOLE,

Of this morning considered.

No. 274, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled "an act to amend chapter 18, of the Revised Statutes, entitled 'of the assessment and collection of taxes;'"

Sen. Maxon moved to recommit the bill to the committee on Finance;

Sen. Hotchkiss moved to amend the motion so as to instruct the committee to so amend the bill as to create no distinction between credits secured by mortgage and credits not so secured;

And the motion was lost.

The question occurring on Sen. Maxon's motion,

It was lost.

The bill was then ordered engrossed for a third reading.

Sen. Maxon moved that all rules be suspended, in order to put upon its passage bill

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No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

And the motion was lost.

On motion of Sen. Davis,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE

On the general file;

Sen. Hutchinson in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 190, S., a bill for an act to amend chapter 6, of the Revised Statutes, entitled "of the public printing, and the publication and distribution of statutes and other public documents;"

No. 279, S., a bill for an act relating to the discipline of convicts in the State Prison;

No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

No. 264, S., a bill for an act to appropriate to Josiah W. Seeley the sum of $36 25;

No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

No. 333, S., a bill for an act to enable the Regents of the State University to complete and furnish University Hall;

No. 344, S., a bill for an act to authorize the Chippewa Bank to reduce its capital;

No. 328, S., a bill for an act to amend section 16, of chapter 6, of the Revised Statutes, entitled of public printing, and the publication and distribution of public documents;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

No. 336, S., a bill for an act to amend section 30, of chapter 23, of the Revised Statutes, entitled "of common schools;"

No. 327, S., a bill for an act to amend section 61, of chapter 28, of the Revised Statutes, entitled "of school and university lands;"

No. 455, A., a bill for an act to change the name of Sarah McCabe, to Sarah Kate Graves;

No. 445, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Oconto county;

J. Res. No. 4, A.,

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Objecting to any change of the naturalization laws;

No. 343, A., a bill for an act to appropriate to A. G. Darwin the sum of $257 56;

No. 424, A., a bill for an act to amend chapter 25, of the Revised Statutes, entitled "of the publication of legal decisions;"

J. Res. No. 32, A., in relation to the homestead bill in Congress;

No. 440, A., a bill for an act to provide for the payment of money to the Waupaca County Agricultural Society, for the year 1856;

No. 489, A., a bill for an act to appropriate to Moseley & Brother the sum of $217 93;

No. 223, S., a bill for an act to amend an act entitled "an act to make a temporary loan to the State University," approved March 21st, 1859;

No. 312, S., a bill for an act to amend section 1, of chapter 138, of the Revised Statutes, entitled "of the limitation of actions;"

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

No. 354, S., a bill for an act restoring Horatio Mains to citizenship;

No. 355, S., a bill for an act restoring Charles W. Mains to citizenship;

No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the drainage fund income, and to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

With the passage recommended.

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes entitled "of swamp and overflowed lands;"

No. 18, S., a bill for an act relating to garnishee process;

No. 245, S., a bill for an act to amend chapter 13, of Revised Statutes entitled "of counties and county officers;"

No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet county to Wrightstown, in Brown county;

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

No. 340, S., a bill for an act to appropriate a contingent fund to school and university land commissioners;

With amendments, and recommendation to pass, when so amended.

No. 329, S., a bill for an act to appropriate to Nelson McNeil the sum of $1,577 31 100;

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No. 86, S., a bill for an act to authorize the bank of Sauk City Bank to reduce its capital;

No. 38, S., a bill for an act to authorize the Bank of Oconto, the Tradesman's Bank, the St. Croix River Bank, the Oakwood Bank and the Chippewa Bank to reduce their capital;

No. 232, A., a bill for an act to amend chapter 109, title 21, of the Revised Statues entitled "of marriages," and to repeal chap 110, of the Revised Statutes entitled "of the registration of marriages, births and deaths;"

J. Res. No. 31, A.,

Amending joint rule No. 19, of the Senate and Assembly.

With the recommendation of indefinite postponement.

No. 275, S., a bill for an act to prevent stallions in certain cases, from running at large,

With the recommendation that it be referred to committee on State Affairs:

No. 293, S., a bill for an act to repeal chapter 97, of the Private and Local Laws of 1857, an act to amend chapter 78, of the Private and Local Laws of 1853, entitled an act to incorporate the Watertown & Madison Railroad Company, approved March 17th, 1853;

With recommendation of reference to committee on Railroads.

REPORT OF THE COMMITTEE OF THE WHOLE,

Considered.

Jt. Res. No. 32, A.,

The question being on ordering the resolution to a third reading,

Sen. Simpson moved to

Amend said resolution, by inserting after the words, "we the free people," the words, "and such persons as are now confined in jails in this State, under and by virtue of any process issued out of the district court of the United States, in and for the State of Wisconsin,"

And the motion was lost.

The question recurring on ordering the resolution to a third reading,

It was so ordered.

No. 232, A., and Jt. Res. No. 31, A., and 86, 32, 9, and 38, S.,

Were indefinitely postponed.

No. 275, S.,

Referred to committee on State Affairs.

No. 293, S.,

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Referred to committee on Railroads.

No. 264, S.,

Ordered engrossed for a third reading.

Sen. Hutchinson moved to reconsider the vote by which the Sen. yesterday postponed till Saturday next the consideration of

J. Res. No. 22, S., in relation to the slave trade;

Pending which;

Sen. Simpson moved that the Senate do now adjourn.

The ayes and noes were called for,

And the motion was lost—ayes 12, noes 16.

Those who voted in the affirmative were

Senators Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor, Thurbur nnd Washburn—12.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin and Worthington—16.

Sen. Rodolf moved to lay on the table Hutchinson's motion;

The ayes and noes were called for,

And the motion was lost—ayes 13, noes 16.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Thurbur—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.

Sen. Davis asked leave of absence for Senators Simpson and Ferguson;

Ruled out of order.

Sen. Sweat moved a call of the Senate;

And the call was sustained.

The roll was called, and Senators Ferguson, Masters and Simpson were absent.

The Sergeant-at-Arms proceeded to summon the absentees.

Sen. Rodolf moved that the Senate do now adjourn.

The ayes and noes were called for,

And the Senate refused to adjourn—ayes 10, noes 16.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Thurbur—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Taylor, Virgin and Worthington—16.

Sen. ——— moved to dispense with further proceedings under the call;

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And the motion was lost.

Sen. Gill moved that the Senate do now adjourn;

The ayes and noes were called for,

And the motion prevailed—ayes 15, noes 12.

Those who voted in the affirmative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Simpson, Stewart, Sweat, Taylor, Thurbur and Washburn—15.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Virgin and Worthington—12.

The Senate adjourned.

WEDNESDAY, March 28th, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. McWright.

Roll called and quorum present

Reading of the journal of yesterday dispensed with.

On motion of Sen. Worthington all rules were suspended in order to put upon their passage the following bills:

No. 25, A., a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association, and to continue the banking business;

No. 398, A., a bill for an act to vacate and extinguish the town of Orwell, in the county of Racine, and to attach the territory comprising the same to the towns of Mt. Pleasant and Caledonia, in said county;

No. 390, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 401, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

Said bills,

Nos. 25 and 398, A.,

Were ordered to a third reading, read and passed.

Said bill

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No. 390, A.,
Was ordered to a third reading, and read.
On the passage of the bill,
The ayes and noes were required;
And the bill passed—ayes 23, noes 0.
Those who voted in the affirmative were
Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—23.
None voted in the negative.
No. 401, A.,
Was ordered to a third reading, and read.
On the passage of the bill,
The ayes and noes were required,
And the bill passed—ayes 25, noes 0.
Those who voted in the affirmative were
Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fergnson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—25.
None voted in the negative.

REPORTS OF COMMITTEES.

The committee on Banks and Banking report back
No. 25, A., a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association, and continue the banking business;
With amendments, and recommend its passage when so amended. D. WORTHINGTON, *Ch'n.*

The committee of Conference on the disagreeing vote between the two Houses on the Assembly amendment to Senate bill
No. 167,
Respectfully report that they are unable to agree to any compromise of the difference in question; Messrs. Washburn, Elmore and Goodwin being in favor of the amendment, and Messrs. Worthington and Ordway being against said amendment.

D. WORTHINGTON,
G. W. WASHBURN,
Of the Senate.
A. E. ELMORE,
D. S. ORDWAY,
G. B. GOODWIN,
Of the Assembly.

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On motion of Sen. Washburn,
Said bill was laid on the table.

The committee on Town and County Organization, to whom was referred

No. 326, S., a bill for an act to amend chapter 34, of the Revised Statutes, entitled of the relief of the poor;

And

No. 184, S., a bill for an act providing for the removal of the county seat of Pierce county;

And

No. 124, S., a bill for an act to annex certain territory in the county of Pierce to the county of Pepin;

Have had these several bills under consideration, and instruct me to report them back to the Senate, and recommend that they be indefinitely postponed.

Also, report back sundry petitions, and recommend that they be laid on the table.

N. H. VIRGIN, *Ch'n.*

Said bills and petitions were all laid upon the table.

The Railroad committee, to whom was referred

No. 363, S., a bill for an act to amend section 2, of chapter 137, of the General Laws of 1856, entitled "an act to execute the trust created by an act of Congress, entitled an act granting public lands to the State of Wisconsin, to aid in the construction of railroads in said State, approved June 3d, 1856, by incorporating the Wisconsin and Superior Railroad Company, granting a portion of said lands thereto;"

Have had the same under consideration, and a majority have directed me to report the same back, remarking that considering the lateness of the session, and the importance of the subject matter involved, touching the rights and interests of the North-Eastern Railroad Commpany, to the north-eastern land grant, without going into the merits or demerits by which that grant is held, recommend that it would be inexpedient to pass the bill at this time, and recommend the bill be indefinitely postponed.

E. L. PHILLIPS, *Ch'n.*

Said bill was indefinitely postponed.

The committee on Engrossed bills have examined and compared the following bills, and find the same correctly engrossed:

No. 332, S., a bill for an act to amend chapter 190, of Laws of 1850, entitled "an act to authorize a loan to the University of Wisconsin;"

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No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State Historical Society;"

No. 355, S., a bill for an act to provide for an independent State Treasury;

No. 172, S., a bill for an act to amend section 95, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes;" and sections 57 and 127, of the Revised Statutes, entitled "of counties and county officers;"

COMSTOCK, *Ch'n.*

The Railroad committee to whom was referred

No. 365, S., a bill for an act to amend an act entitled "an act to incorporate the Shullsburg Branch Railroad Company;"

Have had the same under consideration and recommend its passage.

E. L. PHILLIPS, *Ch'n.*

The committee on Finance to whom was referred,

No. 509, A., to amend chapter 22, of the General Laws of 1859, in relation to the sale of lands for unpaid taxes;

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The joint standing committee on Printing to whom was referred sundry memorials against the reduction of printer's fees, report the same back and recommend that they lay upon the table.

Also, the account of Calkins & Webb, for the use of Andrew Proudfit, which should have accompanied the bill introduced on that subject by the majority of the committee.

H. W. CURTIS, *Ch'n.*

Said memorials were laid upon the table.

The committee on Finance report back,

No. 639, A., a bill for an act in relation to sale of lands for delinquent taxes in Douglas county,

And recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Finance, to whom was referred bill

No. 11, S., to amend chapter 167, of the General Laws of 1859, in relation to assessment and valuation of property;

Have duly considered the amendment made by the Assembly to said bill, and submit the following report:

Your committee take occasion to say that we have seen no cause for abandoning said bill No. 11, but that the more we

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have examined the subject, the more firmly we are convinced that the said bill is well adapted to the correction of the errors and defects of the present law; and that while its passage will materially simplify and cheapen the law in its operation, it can scarcely fail to give satisfaction to all classes of honest taxpayers.

We have no doubt but the principle of the present system of assessment receives the approval of a large majority of the people of the State; distributing, as it does, taxation fairly and properly upon every species of property; and we believe that all that is expected we should do with that law, is to so amend it as to correctly carry out that principle.

That object is sought to be accomplished by the bill which passed the Senate in January last, but which has not been acted upon in the Assembly till within the last few days, when it was stricken out and a new bill inserted in its place, falling, as we consider, far short of accomplishing the object sought by the original bill. The Senate bill will not only correct the errors and defects which have one way and another crept into the assessment law, thereby making it plain, harmonious, and a united whole, but will relieve real estate from that unjust proportion of taxes which it has hitherto been compelled to bear.

But while we look for such results to flow from the passage of Senate bill No. 11, we should as confidently look upon the passage of the Assembly amendment as a great public disaster. That bill is in some respects inconsistent with itself, and would tend to confuse the whole subject of assessment.

The imperfections and errors contained in the amendment, are so diffused throughout the bill, that it would require extensive amendments to make it a fit subject to find a place upon the statute book.

The provisions of section 3, in relation to exemptions, we are convinced would be very unsatisfactory to the people of the State; as it dispenses with those special exemptions, which are designed to save families from the annoyance of estimating the value of clothing, kitchen furniture, beds and bedding, fuel, books, &c. This bill taxes all credits, without any deduction for indebtedness; thereby operating oppressively upon many, and ruinously upon that class of persons engaged in the manufacture of machinery, most of which has necessarily to be sold on credit; while the persons thus engaged, have generally large amounts of debts against them, which common justice would seem to indicate should be offset against the credits above alluded to.

The bill proposes to reinstate the old State Board of Equalization; and then requires them to equalize the taxes among the

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counties, without having any other guide than the assessment in the towns and cities, rendering it morally certain that justice cannot be done to the several portions of the State, as by-gone years most amply demonstrate.

But we shall not stop to set forth all the objectionable features to the amendment made by the Assembly, as we think that on a cursory examination of the bill, it will be seen to bear on its face its own condemnation.

We therefore report back the bill to the Senate, and unanimously recommend, that the Senate refuse to concur with the Assembly amendment.

A. I. BENNETT,
C. G. RODOLF,
J. W. STEWART,

The question being on concuring in the Assembly amendment to said bill, the ayes and noes were called for, and

The Senate refused to concur— ayes 7, noes 20.

Those who voted in the affirmative were

Senators Ferguson, Gill, Hilgen, Maxon, Taylor, Thurbur and Washburn—7.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Hanchett, Hotchkiss, Masters, Phillips, Rodolf, Stewart, Sweat, Virgin and Worthington—20.

On motion of Sen. Eagan,

All rules were suspended,

In order to put upon their passage the following bills:

No. 168, A., a bill for an act to incorporate the St. Anthony Mutual Relief Society of the city of Milwaukee;

No. 583, A., a bill for an act to organize Shawano county for judicial purposes;

No. 225, A., a bill for an act to authorize the city of Milwaukee to construct certain bridge;

No. 525, A., a bill for an act to authorize the city of Milwaukee to construct a certain bridge;

No. 461, A., a bill for an act to authorize the city of Milwaukee to construct and maintain certain bridges;

No. 569, A., a bill for an act to incorporate the Milwaukee mutual laborers relief society;

No. 613, A., a bill for an act to authorize the common council of the city of Milwaukee to erect a break-water in the third ward of said city;

No. 353, A., a bill for an act to legalize the official acts of Willard T. Chase, as justice of the peace of the county of Dane;

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No. 155, A., a bill for an act to provide for the purchase of real estate, and the erection of suitable buildings thereon, for the use of the third ward of the city of Milwaukee;

No. 639, A., a bill for an act to postpone the tax sale in Douglas county;

Substitute for,

No. 304, A., a bill for an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the second ward, to pay for the improvements of a public square in block 165, of said ward;

Substitute for

No. 521, A., a bill for an act to amend and consolidate an act entitled "an act to incorporate the city of Racine, in the county of Racine," approved August 8, 1848, and the several acts amendatory thereof;

No. 29, S., a bill for an act to amend chapter 29, of the Revised Statutes, entitled "of swamp and overflowed lands;"

With an amendment.

Said bills Nos. 168, 583, 225, 525, 461, 569, 613, 353 and 155, A.,

Substitute for

No. 302, A.,

And the substitute for

No. 521, A.,

Were ordered to a third reading, read, and passage concurred in.

Bill No. 639, A.,

Was ordered to a third reading, and read.

On the passage of the bill, the ayes and noes were required,

And the passage was cocurred in—ayes 23, noes none.

Those who voted in the affirmative, were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—23.

None voted in the negative.

Said bill

No. 29, S.,

Was ordered to a third reading, and read.

On motion of Sen. Burdick,

The vote by which said bill

No. 29, S.,

Was ordered to a third reading, was reconsidered;

The question recurring on ordering the bill to a third reading,

Sen. Sweat moved that the bill be referred to the committee on Legislative Expenditures,

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And the motion was lost.

The question recurring on ordering the bill to a third reading;

It was so ordered and read.

On the passage of the bill,

The ayes and noes were called for,

And the bill was passed—ayes 16, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Fratt, Hilgen, Maxon, Phillips, Thurbur, Virgin and Worthington—16.

Those who voted in the negative were

Senators Decker, Gill, Hanchett, Hotchkiss, Masters, Rodolf, Stewart, Sweat, Taylor and Washburn—10.

The question being on agreeing to the title;

Sen. Maxon moved to amend the title so that it shall be as follows:

No. 29, S., a bill for an act to authorize the Secretary of State to contract for necessary gas furnished for the use of the capitol and other State institutions in the city of Madison;

And the motion prevailed.

On motion of Sen. Sweat, bill

No. 224, A., a bill for an act to legalize the organization of joint school district No. 7, of Burke and Blooming Grove;

Was taken from the general file, and

Referred to the Judiciary committee, with instructions to report as soon possible.

On motion of Sen. Hotchkiss,

The vote by which the Senate indefinitely postponed bill

No. 326, S., a bill for an act to amend chapter 34, of the Revised Statutes, entitled of the relief of the poor;

Was reconsidered.

The question being on indefinitely postponing the bill;

The Senate refused to so postpone.

On motion of Sen. Hotchkiss,

All rules were suspended in order to put the bill upon its passage.

Sen. Virgin moved to lay the bill on the table;

And the motion was lost.

The question occurring on ordering the bill to a third reading;

It was so ordered, read and passed.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 48, A., a bill for an act relating to the fire departments in the cities and villages of this State, and to amend chapter 190, of the General Laws of 1859, entitled "an act to regulate insurance companies not incorporated by the State of Wisconsin;"

No. 212, A., a bill for an act to empower cities, towns and villages to grant the use of the streets therein to certain railtain railway companies;

No 332, A., a bill for an act to protect certain counties, cities, towns and villages;

No. 502, A., a bill for an act requiring publication of notice of proposed special or local legislation;

No. 539, A., a bill for an act to remove the county seat of Green Lake county;

No. 568, A., a bill for an act to facilitate and authenticate the formation of a corporation by the purchasers of the Milwaukee and Mississippi Railroad Companies;

No. 640, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Watertown, for the years 1856, '57 and '58;

And asks the concurrence of the Senate in the same.

I am further directed to present to you for signature,

No. 32, A., a bill for an act to change the name of Archey Arnett, and to constitute him an adopted son of William and Mary Collins;

No. 189, A., a bill for an act to authorize the towns, cities and villages, of the county of Dodge, to retain license moneys in their town, city or village treasuries;

No. 529, A., a bill for an act to appropriate to O. G. Scofield the sum of $200;

Which have been signed by the Speaker.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times, and referred.

Nos. 332, 212 and 568, A.,

To committee on Railroads.

No. 640, A.,

To general file.

No. 502, A.,

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To Judiciary committee.
No. 539, A.,
To committee on Town and County Organization.
No. 48, A.,
To committee on Finance.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time, and passed.

No. 173, S., a bill for an act to amend section 95, of chapter 18, of the Revised Statutes, entitled "of the assessment and collection of taxes," and sections 57 and 127, of the Revised Statutes, entitled "of counties and county officers;"

No. 332, S., a bill for an act to amend chapter 190, of the Laws of 1850, entitled "an act to authorize a loan to the University of Wisconsin;"

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State Historical Society;"

No. 255, S., a bill for an act to provide for an independent State treasury;"

No. 264, S., a bill for an act to appropriate to Josiah W. Seeley the sum of $36 25;

The ayes and noes being required,

The bill was passed—ayes 18, noes 6.

Those who voted in the affirmative were

Senators Burdick, Comstock, Cox, Davis, Decker, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Maxon, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington —18.

Those who voted in the negative were

Senators Bart ett, A. I. Bennett, Fratt, Masters, Rodolf and Stewart—6.

No. 271, S., a bill for an act to amend chapter 167, of the Genneral Laws of 1859, entitled an act to amend chapter 18 of the Revised Statutes entitled of the assessment and collection of taxes;"

The ayes and noes being required,

The bill was passed—ayes 18, noes 4.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Hanchett, Hilgen, Hutchinson, Masters, Rodolf, Stewart, Sweat, Thurbur and Worthington—18.

Those who voted in the negative were

Senators Hotchkiss, Maxon, Virgin and Washburn—4.

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J. Res. No. 32, A.,

In relation to the homestead bill in Congress;

Sen. Rodolf called for a division of the question,

And a division was ordered.

The question occurring on the adoption of the first resolution, to wit:

"*Resolved by the Assembly the Senate concurring*, That we, the free people of the State of Wisconsin, solemnly protest against the passage of any law by our National Legislature, which discriminates between different classes of citizens of the United States, or between citizens and those who have declared their intentions to become citizens;"

The ayes and noes were called for, and

The resolution was adopted—ayes 20, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hilgen, Hutchinson, Maxon, Rodolf, Stewart, Sweat, Thurbur, Virgin, Washburn and Worthington—20.

None voted in the negative.

The question being on the adoption of the second resolution, to wit:

"*Resolved*, That our Senators in Congress be instructed, and Representatives requested to use all proper means to procure the passage of the Homestead Bill, as it passed the House of Representatives; but never to consent to the passage of said act, or any act containing the provisions of the Senate amendment, known as Johnson's bill;"

Sen. Stewart moved a call of the Senate, and

The call was not sustained.

Sen. Maxon moved that the Senate do now adjourn;

And the motion was lost—ayes 10, noes 17.

Those who voted in the affirmative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Maxon, Rodolf, Sweat, Taylor and Thurbur—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and W thington—17.

The question recurring on adopting the 2d resolution;

The ayes and noes were called for, and

The resolution was adopted—ayes 16, noes 0.

Those who voted in the affirmative were.

Senators Bartlett, A I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Stewart, Washburn and Worthington—16.

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None voting in the negative.

The question being on the adoption of the 3d resolution, to wit:

"*Resolved*, That the Governor be, and he is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, with all convenient speed;"

The resoluion was adopted.

The question occurring on the adoption of the preamble, to-wit:

"Whereas, it is announced by telegraph from the seat of the federal government, that the homestead bill which lately passed the House of Representatives, and which was referred to the committee on Public Lands in the Senate of the United States, has been reported back with amendments, providing, among other things, that the benefits of said homestead bill shall not apply to foreigners who may declare their intentions to become citizens of the U. S. after the passage of said act, said amendment being what is known as Mr. Johnson's bill; and whereas, while the people of the State of Wisconsin are devotedly attached to the principle of free homes for the homeless, and hence in favor of the passage of said bill as it came from the House of Representatives, they are opposed to the said bill as amended by the Senate committee, deeming as they do, that by the provision above referred to, it violates the great principle of equality which underlies our system of government: believing that the greatest blessing to be derived from the homestead law is an increased emigration of European farmers, artisans and laborers to occupy and cultivate our vast unoccupied domain, and that to cut them off from the benefits of such law, would not only be wrong and unjust in principle, but would tend to lower our national character throughout the world, and would subject us to the charge of selfishness and proscription unworthy of a nation heretofore claiming to be the asylum for the oppressed of all nations;"

Sen. Curtis moved to lay the whole subject on the table.

The ayes and noes were called for, and

The motion was lost—ayes 12, noes 14.

Those who voted in the affirmative, were

Senators Curtis, Decker, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Thurbur and Washburn —12.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Eagan, Hanchett, Maxon, Stewart, Sweat, Virgin and Worthington—14.

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Sen. Hutchinson moved that all Senators not wishing to vote be excused from voting, and

The motion prevailed.

Sen. Rodolf asked to be excused from voting, and the Senate excused him.

Sen. Hotchkiss asked unanimous consent to amend the preamble,

Which was refused.

Sen. Rodolf moved to strike out a portion of the preamble;

Ruled out of order.

Sen. Rodolf moved to refer the preamble to the committee on Federal Relations, and

The motion was lost.

Sen. Rodolf moved to lay the preamble on the table;

The ayes and noes were called for, and

The motion was lost—ayes 7, noes 18.

Those who voted in the affirmative, were

Senators Ferguson, Gill, Hilgen, Hotchkiss, Rodolf, Sweat and Thurbur—7.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Maxon, Phillips, Stewart, Virgin, Washburn and Worthington—18.

Sen. Curtis moved the previous question;

And the motion was not sustained.

Sen. Taylor asked leave of absence for Sen. Simpson until this evening.

Leave was granted.

Sen. Maxon moved a call of the Senate;

And the call was sustained.

The roll was called, and Senators Ferguson and Virgin were absent.

The Sergeant-at-Arms proceeded to summon the absentees.

REPORT OF THE SERGEANT-AT-ARMS.

The Sergeant-at-Arms reports that Sen. Virgin is in his seat, and Sen. Ferguson cannot be found.

ASA KINNEY, *Sergeant-at-Arms.*

Sen. Burdick moved that the Senate accept the report of the Sergeant at-Arms, and discharge him from further service under the call;

The ayes and noes were called for,

And the motion prevailed—ayes 17, noes 9.

Those who voted in the affirmative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—17.

Those who voted in the negative were

Senators Decker, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Taylor—9.

The chair deciding that it is competent for a majority of the Senate to accept the report and discharge the Sergeant-at-Arms, and that it does not require a two-thirds vote.

Sen. Gill appealed from the decision.

Sen. Hutchinson moved to lay the appeal on the table;

The ayes and noes were called for,

And the motion prevailed—ayes 16, noes 9.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hutchinson, Masters, Phillips, Stewart, Sweat, Virgin and Washburn—16.

Those who voted in the negative were

Senators Decker, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Thurbur and Worthington—9.

Sen. Rodolf moved that the Senate do now adjourn;

The ayes and noes were called for,

And the motion was lost—ayes 9, noes 16.

Those who voted in the affirmative were

Senators Decker, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Thurbur—9.

Those who voted in the negative, were

Senators Bartlett, A. I Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.

Sen. Rodolf moved a call of the Senate;

And the call was sustained.

The roll was called, and Senators Ferguson and Fratt were absent.

The Sergeant-at-Arms proceeded to summon the absentees.

Sen. Hutchinson moved to dispense with further proceedings under the call;

And the motion was lost—ayes 9, noes 16.

Those who voted in the affirmative were

Senators A. I. Bennett, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Virgin and Washburn—9.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Gill, Hilgen, Maxon, Stewart, Sweat, Thurbur and Worthington—16.

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REPORT OF THE SERGEANT-AT-ARMS.

The Sergeant-at-Arms reports that Sen. Fratt is in his seat, and Sen. Ferguson cannot be found.

ASA KINNEY,
Sergeant-at-Arms.

Sen. Hutchinson moved that the Senate accept the report of the Sergeant-at Arms, and discharge him from further service under the call;

Sen. Rodolf moved to lay on the table Sen. Hutchinson's motion;

The ayes and noes were called for, and

The motion was lost—ayes 7, noes 16.

Those who voted in the affirmative were

Senators Decker, Fratt, Gill, Hilgen, Maxon, Rodolf and Thurbur—7.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.

Sen. Rodolf moved that the Senate do now adjourn,

The ayes and noes were called for, and

The motion was lost—ayes 7, noes 17.

Those who voted in the affirmative were

Senators Decker, Fratt, Gill, Hilgen, Maxon, Rodolf and Sweat—7.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—17.

The question occurring on Sen. Hutchinson's motion, to accept the report of the Sergeant-at-Arms, and discharge him from further duty under the call,

The ayes and noes were called for, and

The motion prevailed—ayes 17, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Worthington—17.

Those who voted in the negative were

Senators Decker, Egan, Fratt, Gill, Hilgen, Maxon, Rodolf and Sweat—8.

The chair deciding that it is competent for a majority of the Senate to accept the report and discharge the Sergeant-at-Arms, and that it does not require a two-thirds vote;

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Senator Rodolf appealed from the decision of the chair.

Sen. Maxon moved to lay the appeal on the table,

The ayes and noes were called for, and

The motion was lost—ayes 6, noes 13.

Those who voted in the affirmative, were

Senators Maxon, Phillips, Stewart, Virgin and Washburn —6.

Those who voted in the negative, were

Senators Bartlett, G. Bennett, Burdick, Cox, Curtis, Davis, Decker, Gill, Hutchinson, Masters, Rodolf, Sweat and Worthington—12.

Sen. Gill moved to reconsider the vote, by which the Senate refused to lay Sen. Rodolf's appeal on the table;

Ruled out of order.

The question occurring on Sen. Rodolf's appeal, the question was,

"Shall the decision of the chair stand as the judgment of the Senate?"

The ayes and noes were called for, and

The decision of the chair was sustained—ayes 22.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Gill, Hanchett, Hutchinson, Masters, Maxon, Phillips, Rodolf, Stewart, Sweat, Virgin, Washburn and Worthington—22.

None voted in the negative.

Sen. Stewart moved the previous question,

And the call was sustained,

Pending which,

Sen. Rodolf moved that the Senate do now adjourn.

The ayes and noes were called for, and

The motion was lost—ayes 5, noes 15.

Those who voted in the affirmative, were

Senators Fratt, Gill, Maxon, Rodolf and Stewart—5.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—15.

Sen. Sweat moved a call of the Senate, and

The call was sustained.

The roll was called, and

Senators Eagan, Ferguson, Hilgen, Hotchkiss and Thurbur, were absent.

The Sergeant-at-arms proceeded to summon the absentees.

Sen, Davis moved to dispense with further prcceedings under the call.

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Sen. Rodolf moved to lay Sen. Davis' motion on the table;
The ayes and noes were called for,
And the motion was lost—ayes 6, noes 16:
Those who voted in the affirmative, were
Senators Decker, Fratt, Gill, Maxon, Rodolf and Sweat —6.
Those who voted in the negative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.
Sen. Rodolf moved that the Senate do now adjourn.
The ayes and noes were called for, and
The motion was lost—ayes 4, noes 18.
Those who voted in the affirmative, were
Senators Decker, Fratt, Maxon and Rodolf—4.
Those who voted in the negative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Gill, Hanchett, Hutchinson, Masters, Phillips, Stewart, Sweat, Virgin, Washburn and Worthington—18.
The question occurring on Sen. Davis' motion, to dispense with further proceedings under the call,
The motion prevailed—ayes 16, noes 7.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.
Those who voted in the negative, were
Senators Decker, Fratt, Gill, Maxon, Rodolf, Sweat and and Taylor—7.
The question then being "shall the main question be now put?"
Sen. Rodolf moved that the Senate do now adjourn;
Ruled out of order.
Sen. Rodolf moved to lay on the table, Sen. Stewart's motion for the previous question;
Ruled out of order.
The question then recurring "shall the main question be now put?"
The ayes and noes were called for,
And the previous question ordered—ayes 16, noes 5.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.
Those who voted in the negative were

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Senators Decker, Fratt, Gill, Maxon and Rodolf—5.
Sen. Rodo f moved that the Senate do now adjourn;
Ruled out of order.
Sen. Maxon appealed from the decision of the chair;
Ruled out of order.
Sen. Rodolf moved that the preamble to the resolution be made the special order for next Saturday;
Ruled out of order.
The question being on the adoption of the preamble,
The ayes and noes were called for, and
The preamble was adopted —ayes 16, noes 0.
Those who voted in the affirmative were
Senators Bartlett. A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—16.
None voted in the negative.

REPORT OF THE COMMITTEE OF THE WHOLE

Of yesterday considered.

No. 18, S., a bill for an act relating to garnishee process;
No. 215, S., a bill for an act to amend chapter 13, of Revised Statutes entitled "of counties and county officers;"
No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet county to Wrightstown, in Brown county;
No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;
No. 340, S., a bill for an act to appropriate a contingent fund to school and university land commissioners;
With amendments.
The amendments were adopted,
And the bills as amended were ordered to a third reading.
No. 445, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Oconto county:

J. Res. No. 4, A.,
Objecting to any change in the naturalization laws;
No. 543, A., a bill for an act to appropriate to A. G. Darwin the sum of $257 56;
No. 424, A., a bill for an act to amend chapter 25, of the Revised Statutes, entitled of the publication of legal decisions;
No. 440, A., a bill for an act to provide for the payment of

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money to the Waupaca County Agricultural Society, for the year 1856;

No. 489, A., a bill for an act to appropriate to Moseley & Brother the sum of $217 93;

223, S., a bill for an act to amend an act entitled an act to make a temporary loan to the State University, approved March 21, 1859;

No. 312, S., a bill for an act to amend section 1, of chapter 138, of the Revised Statutes, entitled of the limitation of actions;

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

No. 354, S., a bill for an act restoring Horatio Mains to citizenship;

No. 355, S., a bill for an act restoring Charles W. Mains to citizenship;

No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the drainage fund income, and to amend chapter 29, of the Revised Statutes, entitled of swamp and overflowed lands;

No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

No. 333, S., a bill for an act to enable the Regents of the State University to complete and furnish University Hall;

No. 344, S., a bill for an act to authorize the Chippewa Bank to reduce its capital;

No. 328, S., a bill for an act to amend section seventeen, of chapter six, of the Revised Statutes entitled of public printing, and the publication and distribution of public documents;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

No. 336, S., a bill for an act to amend section thirty of chapter twenty-three, of the Revised Statutes, entitled of common schools;

No. 327, S., a bill for an act to amend section 61, of chapter 28, of the Revised Statutes, entitled of school and university lands;

No. 455, A., a bill for an act to change the name of Sarah McCabe, to Sarah Kate Graves;

No. 190, S., a bill for an act to amend chapter 6, of the Revised Statutes, entitled of the public printing, and the publication and distribution of statutes and other public documents;

No. 279, S., a bill for an act relating to the discipline of convicts in the State Prison;

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No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

Were ordered to a third reading.

On motion of Sen. Masters,

Senate took a recess till 3 o'clock P. M.

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3 o'clock, P. M.

Senate met.

Lieut. Gov. in the chair.

Roll called and quorum present.

On motion of Sen. A. I. Bennett,

The Senate proceeded to the consideration of bills ready to be passed.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 18, S., a bill for an act relating to garnishee process;

No. 190, S., a bill for an act to amend chapter 6, of the Revised Statutes, entitled of the public printing, and the publication and distribution of statutes and other public documents;

No. 297, S., a bill for an act relating to the discipline of convicts in the State Prison;

No. 344, S., a bill for an act to authorize the Chippewa Bank to reduce its capital;

No. 328, S., a bill for an act to amend section 17, of chapter 6, of the Revised Statutes, entitled of public printing, and the publication and distribution of public documents;

No. 223, S., a bill for an act to amend an act entitled an act to make a temporary loan to the State University, approved March 21st, 1859;

No. 312, S., a bill for an act to amend section 1, of chapter 138, of the Revised Statutes, entitled of the limitation of actions;

No. 354, S., a bill for an act restoring Horatio Mains to citizenship;

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No. 226, S., a bill for an act to provide for the disposal of the interest arising upon the Drainage Fund Income, and to amend chapter 29, of the Revised Statutes, entitled of swamp and overflowed lands;

No. 356, S., a bill for an act to amend section 30, of chapter 27, of the Revised Statutes, entitled of common schools;

No. 327, S., a bill for an act to amend section 61, of chapter 28, of the Revised Statutes, entitled of school and university lands;

The ayes and noes being required,

On the passage of bill

No. 340, S., a bill for an act to appropriate a contingent fund to the School and University Land Commissioners;

The bill was passed—ayes 18, noes 4.

Those who voted in the affirmative were

Senators Bartlett, A. I Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Virgin, Washburn and Worthington—18.

Those who voted in the negative were

Senators Ferguson, Fratt, Gill and Maxon—4.

The ayes and noes being required,

On the passage of bill

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

The bill was passed—ayes 18, noes 4.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Hanchett, Hilgen, Hutchinson, Masters, Rodolf, Sweat, Virgin, Washburn and Worthington—18.

Those who voted in the negative were

Senators Fratt, Maxon, Phillips and Thurbur—4.

The ayes and noes being required,

On the passage of bill

No. 333, S.. a bill for an act to enable the regents of the State University to complete and furnish University Hall;

The bill was passed—ayes 19, noes 6.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Sweat, Taylor, Virgin and Worthington—19.

Those who voted in the negative were

Senators Fratt, Gill, Hilgen, Maxon, Thurbur and Worthing—6.

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The ayes and noes being required on the passage of bill No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

The bill was passed--ayes 25.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Ferguson, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—25.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

The bill was passed—ayes 21, noes 5.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Ferguson, *Gill*, Hanchett, Hotchkiss, Hutchinson, Masters, Phillips, Taylor, Thurbur, Washburn and Worthington—21.

Those who voted in the negative were

Senators Fratt, Maxon, Rodolf, Sweat and Virgin—5.

The ayes and noes being required on the passage of bill No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

The bill was passed—ayes 26.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—26.

None voted in the negative.

The ayes and noes were called for on the passage of *bill* No. 245, S., a bill for an act to amend chapter 13, of the Revised Statutes, entitled "of counties and county officers;"

And the bill was passed—ayes 12, noes 8.

Those who voted in the affirmative were

Senators A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Maxon, Rodolf, Stewart and Washburn—12.

Those who voted in the negative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hutchinson, Masters and Thurbur—8.

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BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and concurred in:

No. 455, A., a bill for an act to change the name of Sarah McCabe, to Sarah Kate Graves;

No. 445, A., a bill for an act to provide for the disposal and expenditure of the drainage fund monies in Oconto county;

Jt. Res. No. 4, A.,

Objecting to any change of the naturalization laws;

No. 424, A., a bill for an act to amend chapter 25, of the Revised Statutes, entitled of the publication of legal decisions;

No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet, county to Wrightstown, in Brown county;

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

The ayes and noes being required on the passage of bill

No. 440, A., a bill for an act to provide for the payment of money to the Waupaca county agricultural society, for the year 1856;

The bill was passed—ayes 18.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Hutchinson, Phillips, Rodolf, Sweat and Worthington—18.

None voted in the negative.

The ayes and noes being required on the passage of bill

No. 489, A., a bill for an act to appropriate to Moseley & Brother, the sum of $217 93;

The bill was passed—ayes 26.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—26.

None voted in the negative.

The ayes and noes being required on the passage of bill

No. 543, A., a bill for an act to appropriate to A. G. Darwin, the sum of $257 56;

The bill passed—ayes 26.

Those who voted in the affirmative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor, Thurbur, Virgin, Washburn and Worthington—26.

None voted in the negative.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof,

Mr. President:

I am directed to inform you that the Assembly has concurred in the Senate amendments to

No. 25, A., a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association, and continue the banking business;

No. 42, A., a bill for an act exempting certain university lands from taxation;

No. 283, A., a bill for an act to equalize the State tax for Brown county;

No. 313, A., a bill for an act to amend chapter 88, of the General Laws of 1857, entitled "an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin;

No. 361, A., a bill for an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 262, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

No. 521, A., a bill for an act to amend an act entitled an act to incorporate the city of Racin , in the county of Racine, approved Aug. 8, 1848, and the several acts amendatory thereof.

And has non-concurred in the Senate amendment to

No. 388, A., a bill for an act to amend chapter 151, of the General Laws of 1859, entitled an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150, of the Revised Statutes.

I am further directed to inform you that the Assembly has concurred in

No. 12, S., a bill for an act to amend chapter 12 of the Revised Statutes entitled of Notaries Public;

With amendments.

I am also directed to inform you that the Assembly insists upon its amendment to

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15, of the Revised Statutes entitled of the assessment and collection of taxes.

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REPORTS OF COMMITTEES.

The committee on Internal Improvements, to whom was referred

No. 292, S., a bill for an act to amend chapter 109, of the revised Statutes, entitled of marriage;

Have considered the same and respectfully report:

The Statutes very properly prohibit the marriage of persons nearer of kin than first cousins; of insane persons, and of idiots, for the obvious reason that such unions being in violation of well known laws of nature, their issue would, of necessity increase the sum of human misery, by perpetuating the mental and physical infirmities of the parents. But the objects of statutory law are exhausted before they reach the subject of esthetics. This is the "higher law" which cannot be reached by bar, bench or Senate, which cannot be controlled by statutory shackles or conventional inhibitions. The old lady who kissed her cow, might, by many a younger lady, be supposed to have misdirected her osculatory attentions, but the law could not with any propriety, interpose its iron arm between the matron and her cornute friend. The attempt of Peter the Great to deprive his hirsute subjects of their beards, had well nigh cost the Czar his head, and the redoubtable Peter Stuyvesant never succeeded in depriving old Kildermeister of his queue.

In marital arrangements, tastes are as various as in other matters of animal life. The New Zealand maiden finds her tattoed lover charming for those marks which are hideous to others, and the Hottentot Venus is deemed beautiful in the ratio of her ebony darkness.

In the choice of colors, tastes are as various as the hues of the rainbow. Yellow hair, auburn tresses, lint white locks, and raven curls have each been apotheosized by poets, and rendered beautiful by painters. The rich complexion of the dark-eyed brunette, and the fair skin of the blonde, are alike subjects of adoration, while every shade of color in which the human eye has been dyed from the azure blue to the coal black, is the subject of admiration.

The amendment proposed by this bill prohibits the marriage of persons of different color, without defining the application of the term, whether to skin, hair, eyes, or other parts of the person. It must be evident that such an inhibition might be so construed as to reach nearly every case of marriage, since such contracts are seldom made between persons uniformly alike in respect to color.

In view of these considerations your committee are of opinion that the bill ought not to pass, and recommend its indefinite postponement. D. WORTHINGTON, *Chn.*

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The committee on Finance, to whom was referred

No. 359, S., a bill for an act to remit State tax to the county of Milwaukee;

Report back the same and recommend its indefinite postponement.

A. I. BENNETT, *Ch'n.*

The select committee, to whom was referred the following resolution, viz:

Resolved, That a committee of three be appointed by the chair to inquire and report to the Senate what were the prices, in items, of the contract with Andrew Proudfit for the erection of the Lunatic Asylum, and the relative prices for the building of the Hospital for the Insane, under the contract with Nelson McNeil, the difference in the cost, if any, between the two contracts, and what the same character of work in the present buildings would have cost under the Proudfit contract, and how far the present structure corresponds with the proposed building under said Proudfit contract;

Adopted March 1st, 1860, and the President appointed Senators Worthington, Rodolf and Stewart said committee;

Report, that the means of information upon the subject of enquiry in the resolution, within the power of the committee are so limited, that their report must of necessity be brief, and in some respects inconclusive.

The two contracts referred to in the resolution, are so unlike that comparisons or parallel between them are difficult, and not calculated to show with any precision the relative cost or expensiveness of the two plans. The Proudfit contract is more full as to items, than the McNeil contract, while the latter is more full as to the quantity and amount of work required by the specifications, and gives the prices of items as a basis for the cash advances to be made to the contractor.

Your committee had no means of ascertaining what would have been the difference of cost between the two contracts, as such information could only be obtained by the employment of architects and builders at a considerable expense to the State, and the committee were invested with no authority to employ such aid.

The nearest approximation to the information called for by the resolution, is in the subjoined list of items and prices under the two contracts. The essential difference between the two contracts consists in the fact that the Proudfit contract stipulated in part the prices in items and the quantity of work required, leaving the aggregate cost of the building to be determined by the sum total of the work at the prices named, while

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the McNeal contract undertakes the whole work for the sum of $73,500, in full, the prices in items being affixed as a basis for the payment from time to time of the contractor.

The two columns below embrace all the items to be found in the contracts to which prices are attached. The first column shows the prices under the Proudfit contract, and the second the prices of the same items, which were made the basis of payment under the McNeal contract.

D. WORTHINGTON,
CHAS. G. RODOLF,
J. W. STEWART.

	Prices under the Proudfit contract.	Prices under the McNeal contract.
Excavation, per cubic yard,	$ 35	$ 20
Rubble masonry, per perch,	3 60	1 50
Cut stone, per foot,	1 00	30
Brick for walls,	12 00	8 00
Plastering and lath, per yard,	56	23
Pine lumber, per 1,000,	34 95	20 00
Nails, 100 lbs.,	7 00	4 00
Wrought iron work, per lb.,	16	09

The joint committee on Enrolled Bills report that, on the 27th inst., they presented to the Governor for his approval the following bills, viz:

No. 259, A., a bill for an act to incorporate the Fort Howard and Appleton Railroad Company;

No. 531, A., a bill for an act to authorize the borough of Fort Howard to issue bonds to aid in the construction of a railroad from Fort Howard to Appleton;

No. 350, A., a bill for an act to authorize the Commercial Bank to reduce its capital stock and remove its place of business;

No. 289, A., a bill for an act to amend chapter 97, of the Private and Local Laws of 1859, entitled "an act to amend chapter 93, of the Private and Local Laws of 1858, entitled an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof;"

No. 584, A., a bill for an act to extend the time for the collection of a special tax in that part of joint school district No. 9, in the towns of Fox Lake and Courtland, being in the town of Fox Lake;"

No. 571, A., a bill for an act providing for a lien for labor and service upon logs and lumber in certain counties;

No. 447, A., a bill for an act to amend chapter 2, of the Revised Statutes, entitled "of the division of the State into counties, and their boundaries;"

No. 338, A., a bill for an act to provide for the disposal and expenditure of the drainage fund money in Brown county;

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No. 589, A., a bill for an act to repeal chapter 268, of the Private Laws of 1856, entitled "an act granting the right to keep and maintain a ferry across the Mississippi river in Buffalo county;"

No. 514, A., a bill for an act to authorize the construction of a bridge across the Fox river at Wright's Ferry, in Wrightstown, in Brown county;

No. 444, A., a bill for an act to incorporate the Tyrone Lake Canal Company;

No. 904, A., a bill for an act to amend chapter 92, of the General Laws of 1860, entitled "an act to amend chapter 131, of the Private and Local Laws of 1857, entitled 'an act to incorporate the city of Mineral Point;'"

No. 382, A., a bill for an act to provide for the expenditure of drainage fund moneys in the county of Marathon;

No. 290, A., a bill for an act to appropriate to Hitchcock & Co. the sum of $1,242.25;

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

The joint committee on Enrolled Bills, report that on the 28th inst., they presented to the Governor, for his approval, the following bills:

No. 529, A., a bill for an act to appropriate to O. G. Scofield the sum of $200;

No 189, A., a bill for an act to authorize the towns, cities, and villages of the county of Dodge, to retain license moneys in their town, city or village treasuries;

No. 32, A., a bill for an act to change the name of Archy Arnett, and to constitute him an adopted son of William and Mary Collins.

GEO. BENNETT, *Sen. Com.*
C. MILLER, *Ass. Com.*

The committee on Claims to whom was referred

No. 349, S., a bill for an act to appropriate to D. G. Powers, the sum of $200;

Have had said bill under consideration, and report it back to with the recommendation that it do pass.

This bill is to pay for extra work in marking the swamp lands belonging to this State, on a certain map ordered by a resolution of the Senate, passed February 7th, 1855. This extra service was rendered by order of Governors Barstow and Bashford, and a full history of the matter will be found on page 1245, Senate Journal, 1858, vol. 2.

The committee would state that although Mr. Powers may

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not have a legal claim against the State, yet they consider that the State is equitably bound to pay for the same, as he appears to have acted in good faith, and supposed the Executive officer of the State had full authority to order such service, and that the State would pay for the same. The committee also present a statement of Mr. Powers, in relation to the value of said map, and also from J. A. Bate, chief clerk, land office.

They also have had under consideration

No. 345, S., a bill for an act to appropriate the sum of $4000 for the purchase of stationery, for the use of the State officers and the Legislature, for the ensuing year;

And recommend the passage of the same.

Z. P. BURDICK, *Ch'n.*

The committee on Education, School and University Lands, to whom was referred

No. 141, A., a bill for an act to locate and establish school house sites;

Report the same back with recommendation that it pass.

HUTCHINSON, *Ch'n.*

The committee on State Affairs, to whom was referred

No. 275, S., a bill for an act to prevent stallions in certain cases from running at large;

Have had the same under consideration, and report the same back with amendments, and recommend its passage when so amended.

HUTCHINSON, *Ch'n.*

Sen. Davis, from the committee on Joint Investigation, submitted the following report:

[See Appendix A.]

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR PRESIDENT:

I am directed to present to you for signature,

No. 294, A., an act to provide for the disposal and expenditure of the Drainage Fund moneys in Jefferson county;

No. 575, A., an act to vacate a certain street in the village of Waukau, Winnebago county;

No. 315, A., an act to amend section 3, of chapter 190, of Revised Statutes, entitled of prisons generally and common jails;

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No. 73, A., an act to authorize the laying out of a State road from Prairie du Chien to La Crosse;

No. 297, A., an act to legalize the sale of lands for unpaid taxes in the county of Trempeleau;

No. 384, A., an act to amend section 53, of chapter 140, of the Revised Statutes, entitled of miscellaneous proceedings in civil actions, and general provisions;

No. 374, A., an act to amend chapter 127, of the Revised Statutes, entitled of arrest and bail;

J. Res. No. 29, A., relative to grants of public lands to actual settlers, and to passage of the homestead bill;

Which have been signed by the Speaker.

On motion of Sen. Hutchinson,

The Senate resolved itself into the

COMMITTEE OF THE WHOLE,

Sen. Rodolf in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 106, S., a bill for an act to amend chapter 9, of the Revised Statutes, entitled of the Legislature;

With the recommendation of indefinite postponement.

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane a sum of money to pay the debts existing against said institution;

With amendments, and the recommendation to pass when so amended.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

Said bill

No. 106, S.,

Was indefinitely postponed.

The amendments to said bill

No. 357, S.,

Were adopted.

Sen. Maxon moved to strike the preamble from the bill;

The ayes and noes were called for,

And the motion prevailed—ayes 12, noes 10.

Those who voted in the affirmative were

Senators Ferguson, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor and Virgin—12.

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Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Fratt, Hanchett, Hutchinson and Worthington—10.

On motion of Sen. Sweat, all rules were suspended in order to put the bill upon its passage,

And the motion prevailed.

The bill was then ordered to a third reading, and read.

On the passage of the bill,

The ayes and noes being required,

The bill was passed—ayes 18, noes 7.

Those who voted in the affirmative were

Senators Bartlett, Comstock, Cox, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Sweat, Taylor and Virgin—18.

Those who voted in the negative were

Senators A. I. Bennett, G. Bennett, Burdick, Ferguson, Hutchinson and Worthington—7.

Sen. Hutchinson moved that the Senate take a recess till half past seven this evening,

Pending which,

Sen. Gill moved that the Senate do now adjourn.

The ayes and noes were called for,

And the motion was lost—ayes 11, noes 14.

Those who voted in the affirmative were

Senators Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat and Taylor—11.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Virgin and Worthington—14.

The question occurring on Senator Hutchinson's motion for a recess,

Sen. Gill moved a call of the Senate,

And the call was sustained.

The roll was called, and Senators Stewart, Thurbur and Washburn, were absent.

The Sergeant proceeded to summon the absentees.

Sen. Maxon moved that the Senate do now adjourn;

And the motion was lost.

Sen. Gill moved to dispense with further proceedings under the call.

And the motion prevailed.

On motion of Sen. Davis,

The Senate took a recess till half past seven o'clock this evening.

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7 1-2 o'clock, P. M.

The Senate met.

The Lieut. Governor in the chair.

Roll called and quorum present.

On motion of Sen. Hutchinson,

The rules requiring the Senate to resolve itself into committee of the whole on the general file was suspended,

And the Senate proceeded to the consideration of all such bills in the general file as are not objected to.

On motion of Sen. Hutchinson,

All rules were suspended in order to put upon their passage the following bills:

No. 275, S., a bill for an act to prevent stallions in certain cases from running at large;

No. 360, S., a bill for an act to incorporate the Monticello Union Meeting House Association;

No. 365, S., a bill for an act to amend an act entitled an act to incorporate the Shullsburg Branch Railroad Company;

No. 343, S., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 472, A. a bill for an act to change the corporate name of the Plymouth Congregational Society of the City of Fond du Lac;

No. 450, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 352, A., a bill for an act to incorporate the Milwaukee and Cedarburg Plankroad company;

No. 237, A., a bill for an act to annex part of the city of Appleton to the town of Grand Chute;

No. 351, A., a bill for an act entitled an act to incorporate the Green Bay, Chicago and Milwaukee Railroad company, approved March 13th, 1851, and the acts amendatory thereto;

No. 139, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Milwaukee for the years 1856 and 1857;

No. 460, A., a bill for an act legalizing a State road therein named;

No. 446, A., a bill for an act for the protection of orchards and fruit trees;

No. 394, A., a bill for an act to authorize the board of trustees of the village of Viroqua, Bad Ax county, to levy a tax;

No. 341, S., a bill for an act to change the name of Thomas Brown to Thomas Henderson Jefferson;

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No. 283, S., a bill for an act to appropriate the sum of five thousand dollars to the State Prison Commissioner;

No. 345, S., a bill for an act to appropriate the sum of four thousand dollars for the purchase of stationery for the use of the State officers and the legislature, for the ensuing year.

Said bill,

No. 345, S.;

Was ordered to a third reading,

And read.

On the passage of the bill,

The ayes and noes were required,

And the bill was passed—ayes 24, noes 1.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Phillips, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington —24.

Senator Hotchkiss voted in the negative.

Nos. 472, 237, 352, 351, 460 and 446, A., and 275, 365 and 360, S.,

Were severally ordered to a third reading;

Read and passed.

The question occurring on ordering to a third reading bill

No. 341, S.,

Senator Washburn moved to indefinitely postpone the bill;

And the motion was lost.

The bill was then ordered to a third reading, and read;

On the passage of the bill the ayes and noes were required,

And the bill passed –ayes 14, noes 8.

Those who voted in affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Curtis, Davis, Decker, Fratt, Gill, Masters, Maxon, Phillips, Sweat, Taylor and Worthington—14.

Those who voted in the negative were

Senators G. Bennett, Cox, Egan, Hilgen, Hutchinson, Stewart, Virgin and Washburn—8.

No. 394, A., was ordered to a third reading and read;

On the passage of the bill the ayes and noes were required,

And the bill was passed—ayes 21, noes 2.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Davis, Decker, Egan, Fratt, Gill, Hanchett, Hilgen, Hutchinson, Masters, Maxon, Phillips, Stewart, Sweat, Taylor, Washburn and Worthington—21.

Those who voted in the negative were

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Senators Burdick and Curtis—2.

No. 139, A., was ordered to a third reading and read;

On the passage of the bill the ayes and noes were required,

And the passage concurred in—ayes 19, noes 2.

Those voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Egan, Hanchett, Hilgen, Hutchinson, Masters, Sweat, Taylor, Virgin, Washburn and Worthington—19.

Senators Maxon and Stewart voted in the negative.

No. 450, A.,

Was ordered to a third reading, and read.

On the passage of the bill the ayes and noes were required,

And the passage concurred in—ayes 25, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Stewart, Sweat, Taylor, Virgin, Washburn and Worthington—25.

None voted in the negative.

No. 343, S.,

Was ordered to a third reading, and read.

On the passage of the bill, the ayes and noes were required

And the bill was passed—ayes 21, noes 1.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Stewart, Sweat, Virgin, Washburn and Worthington—21.

Sen. Curtis voted in the negative.

No. 283, S.,

Was ordered to a third reading, and read.

On the passage of the bill, the ayes and noes were required,

And the bill was passed—ayes 24, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Master, Maxon, Phillips, Stewart, Sweat, Virgin, Washburn and Worthington—24.

REPORTS OF COMMITTEES.

The committee on Railroads, to whom was referred

No. 332, A., a bill for an act to protect certain counties, cities, towns and villages;

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Report the same back, and recommend that it be referred to the Judiciary committee, it being a bill more properly for the consideration of that committee.

PHILLIPS, *Ch'n.*

Said bill
No. 332, A.,
Was referred to the Judiciary committee.

The committee on Enrolled Bills report that they have examined and find correctly enrolled the following bills, viz:

No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund in the counties of Kewaunee and Door;

No. 287, S., a bill for an act to remit to the county of Portage certain indebtedness to the State;

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Brown, Oconto, and Kewaunee counties;

No. 335, S., a bill for an act to legalize the acts of the county board of supervisors of Manitowoc county, for the year 1859;

No. 202, S., a bill for an act concerning a bridge pier at Kewaunee;

No. 229, S., a bill for an act to incorporate the Wisco sin Agricultural and Mechanical Association;

No. 240, S., a bill for an act to organize the county of Door for judicial purposes;

No. 265, S., a bill for an act to appropriate to S. S. Keyes, the sum of $23;

No. 306, S., a bill for an act to appropriate to Thos. Gill, the sum of $30;

No. 23, S., a bill for an act concerning judgments in certain cases;

No. 295, S., a bill for an act to incorporate the Dane county Agricultural and Mechanical Association;

No. 318, S., a bill for an act to authorize the city of Kenosha to levy a special tax for harbor improvement, and to repeal section 4, of subdivision 6, chapter 133, of the Private and Local Laws of 1857, entitled an act to consolidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof;

No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;

No. 272, S., a bill for an act to provide for the holding of the annual school meeting in school district No. 4, of the town of East Troy;

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No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

No. 308, S., a bill for an act to appropriate to Wm. J. Gill, the sum of $42;

No. 263, S., a bill for an act to appropriate to Wm. Edgar the sum of $15,25;

No. 309, S., a bill for an act to appropriate to Francis Henwood the sum of $30;

No. 307, S., a bill for an act to appropriate to Thos. Knudson the sum of $38;

No. 246, S., a bill for an act to revive the Rock Lake Cemetery Association;

No. 216, S., a bill for an act to appropriate to James M. Flower, the sum of $177;

No. 215, S., a bill for an act to appropriate to James M. Maughs the sum of $25;

No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund in the counties of Kewaunee and Door;

GEO. BENNETT, *Ch'n.*

The committee on Railroads to whom was referred Assembly bill No. 568, being ao act to facilitate and authenticate the formation of a corporation by the purchase of the Milwaukee & Mis-issippi Railroad Co., have considered the same, and recommend its passage;

Also

No. 212, A., a bill for an act to empower cities, towns and villages to grant the use of the streets therein to certain railroad companies, have considered the same, and recommend its passage;

Also

No. 295, S , a bill for an act to repeal chapter 97, of the private and local laws of 1857; an act to amend chapter 78, of the private and local laws of 1853, entitled an act to incorporate the Watertown & Madison railroad company, approved March 17, 1853;

Have had the same under consideration, and recommend its passage.

E. L. PHILLIPS, *Ch'n.*

The committee to whom was referred

No. 383, A., a bill for an act to amend the act entitled an act to consolidate and amend the act to incorporate the city of Mil-

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waukee, and the several acts amendatory thereof, approved Feb. 2, 1852, and to amend the several acts amendatory thereof;

Have had the same under consideration, and report back with amendments, and recommend its passage when so amended.

C. COMSTOCK.

ASSEMBLY MESSAGE CONSIDERED.

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15 of the Revised Statutes, entitled of the assessment and collection of taxes;

With an Assembly amendment insisted upon.

The Senate insisted upon its non-concurrence in the Assembly amendments.

No. 328, A., a bill for an act to amend chapter 151, of the General Laws of 1859, entitled an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150, of the Revised Statutes;

With a Senate amendment in which the Assembly refused to concur.

The Senate refused to recede from its amendment.

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled of Notaries Public;

With Assembly amendments.

The Senate concurred in the Assembly amendment.

On motion of Sen. Hutchinson,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file;

Sen. Gill in the chair.

After some time spent therein, the committee rose, reported progress, and

Asked leave to sit again;

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 228, A., a bill for an act authorizing the laying out of a State road from the village of Eau Claire City, in Eau Claire county, to the mouth of Hay river, in Dunn county;

No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled of actions against the State;

No. 490, A., a bill for an act for the relief of the Reedsburgh Bank;

With the recommendation that it pass.

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No. 292, S., a bill for an act to prevent the marriage of persons of different colors;

With the recommendation that it be referred to the committee on Privileges and Elections.

No. 171, S., a bill for an act concerning the sale of real estate on execution issued upon judgments at law, or in cases of foreclosure and sale of mortgaged premises;

With the recommendation that it be laid on the table.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

No. 171, S.,

Was laid on the table.

No. 292, S.,

Was referred to committee on Privileges and Elections.

Nos. 304, S., and 228 and 490, A.,

Were ordered to a third reading.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

Mr. President:

I am directed to inform you that the Assembly has passed the following bills and asks the concurrence of the Senate in the same:

No. 572, A., a bill for the preservation of fish in the counties of Manitowoc and Kewaunee;

No. 593, A., a bill for an act to provide for the disposal of the drainage fund in the county of Manitowoc.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 254, S., a bill for an act to create the town of Forsyth, and to amend chapter 330, of the Private and Local Laws of 1857, incorporating the city of Berlin;

No. 323, S., a bill for an act to establish terms of the circuit court in the counties of Crawford and Buffalo, in the Sixth Judicial Circuit;

I am further directed to inform you that the Assembly has indefinitely postponed the further consideration of the following bills:

No. 197, S., a bill for an act to amend chapter 22, of the General Laws, of 1859, entitled an act relative to the sale of lands for unpaid taxes, and the and conveyance redemption thereof;

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No. 199, S., a bill for an act to amend chapter 151, of the Revised Statutes, entitled of forcible entry and unlawful detainer;

No. 228,S., a bill for an act to amend section 12, of chapter 111, of the Revised Statutes, entitled of divorce;

I am further directed to inform you that the Assembly has concurred in,

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

With amendments, in which the concurrence of the Senate is requested.

Sen. Gill moved that the Senate resolve itself into a committee of the whole on the general file,

Pending which,

On motion of Sen. Curtis,

The Senate adjourned.

THURSDAY, MARCH 29th, 9 o'clock, A. .M

Senate met.

Lieut. Gov. in the Chair.

Prayer by the Rev. Mr. Walters.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senotor Rodolf,

Jt. Res., No. 23. S.;

Resolved, by the Senate, the Assembly concurring, That the Secretary of State is hereby authorized to audit the accounts for newspapers furnished to this Legislature, as per chapter 85, of General Laws of 1859, entitled an act to provide for the payment of certain accounts for newspapers.

On motion of Sen. Washburn,

The resolution was referred to committee on Legislative Expenses.

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By Sen. Stewart,
Jt. Res., No. 24, S.,
Resolved, by the Senate, the Assembly concurring, That 2,000 copies of the report of the Joint Committee of Investigation be printed for the use of the present Legislature;
Laid over.

Sen. A. I. Bennett moved that a committee of Conference on the part of the Senate be appointed on bill
No. 11, S.;
Withdrawn.

REPORT OF COMMITTEES.

The committee on Public Lands, to whom was referred the account of Cyrus K. Lord for services, making selections of land on account of the Fox and Wisconsin River Improvemnt Company, have been unable to find any law or obligation on the part of the State to pay for any such services; and have found no vouchers or evidence to substantiate the claim. The committee, therefore, ask to be discharged from further considering said account.

J. W. STEWART, *Ch'n.*

So ordered.

The committee on Claims, to whom was referred
No. 161, S., a bill for an act to authorize a final settlement with the Milwaukee and Rock River Canal Company;

Your committee have not had sufficient time to consider the bill, and the character of the claims of said Company, with the care that the magnitude of the subject demands.

The claim is quite ancient, having its origin long before the present State Government was formed. Its friends claim for it vitality enough to prevent the General Government from paying the five per centum due this State. The friends of the Canal Company say, through their representative before the committee, that this unsettled claim can be adjusted by arbitration, and that they will be satisfied with the award of arbitrators, which is not to exceed the sum of $108,000, but a less sum will be accepted if so awarded. It is said that the five per centum due this State is over $400,000, and that it can be obtained at any time after such settlement. If the State can obtain $400,000 of its legal and just dues, which cannot be obtained without settling a claim in which one of the parties may deem to be unjust, is a matter for the consideration of the Senate, and worthy its attention.

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The committee have instructed me to report said bill back to the Senate without recommendation.

Z. P. BURDICK, *Ch'n.*

The committee on Claims to whom was referred account
No. 39, S., account of William Nelson against the State;
Also, account
No. 40, S., account of O. U. Akin against the State;
Have considered the same, and have instructed me to report the said accounts back with a recommendation that they be disallowed.

Z. P. BURDICK, *Ch'n.*

ASSEMBLY MESSAGE

Considered.
Bills read first and second times and referred.
No. 572, A., a bill for an act for the preservation of fish in the counties of Manitowoc and Kewaunee;
To general file.
No. 593, A., a bill for an act to provide for the disposal of the drainage fund in the county of Manitowoc;
To committee on Public Lands.
No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;
With Assembly amendments.
The amendments were concurred in.

BILLS READY FOR A THIRD READING.

No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled "of actions against the State;"
Was ordered to a third reading and read.
The ayes and noes being required,
The bill was passed—ayes 18, noes 1.
Those who voted in the affirmative were
Senators G. Bennett, Burdick, Curtis, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Simpson, Stewart, Sweat, Virgin, Washburn and Worthington—18.
Sen. Bartlett voted in the negative.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and the passage concurred in:
No. 228, A., a bill for an act authorizing the laying out of a

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State road from the village of Eau Claire City, in Eau Claire county, to the mouth of Hay River, in Dunn county;

No. 490, A., a bill for an act for the relief of the Reedsburgh Bank.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 495, A., a bill for an act to cede to the town of Norway, in Racine county, the swamp and overflowed lands in said town;

No. 504, A., a bill for an act to amend the charter of the Milwaukee, Watertown and Baraboo Valley Railroad Co.;

No. 585, A., a bill for an act to amend chapter 23 of the Revised Statutes, entitled of common schools.

I am also directed to inform you that the Assembly has concurred in the Senate amendment to

No. 121, A., a bill for an act to amend sec. 4, of chap. 124, of the Revised Statutes, entitled of the manner of commencing civil actions.

I am further directed to present for your signature the following bills, which have been signed by the Speaker:

No. 320, S., an act to provide for the disposal and expenditure of the drainage fund in the counties of Kewaunee and Door;

No. 263, S., a bill for an act to appropriate to Wm. Edgar, the sum of $15 25;

No. 229, S., an act to incorporate the Wisconsin Agricultural and Mechanical Association;

No. 318, S., a bill for an act to authorize the city of Kenosha to levy a special tax for harbor improvement, and to repeal section 4, of subdivision 6, chapter 133 of the Private and Local Laws of 1857, entitled "an act to consolidate and amend
ct to incorporate the city of Kenosha and the several acts
latory thereof;"

. 216, S., an act to appropriate to James M. Flowers
im of $177;

. 23, S., a bill for an act concerning judgments in certain
s:

, a bill for an act to provide for the holding of
ol meeting in school district No. 4, of the town

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No. 297, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;

No. 240, S., a bill for an act to organize the county of Door for judicial purposes;

No. 335, S., a bill for an act to legalize the acts of the county board of supervisors of Manitowoc county, for the year 1859;

No. 309, S., a bill for an act to appropriate to Francis Henwood, the sum of $30;

No. 215, S., a bill for an act to appropriate to James M. Maughs the sum of $25 10;

No. 246, S., a bill for an act to revive the Rock Lake Cemetery Association;

No. 295, S., an act to incorporate the Dane County Agricultural and Mechanical Association;

No. 307, S., a bill for an act to appropriate to Thos. Knudson the sum of $38.

No. 265, S., a bill for an act to appropriate to S. S. Keyes the sum of $23;

No. 308, S., a bill for an act to appropriate to Wm. J. Gill the sum of $42;

No. 306, S., a bill for an act to appropriate to Thos. Gill the sum of $30;

No. 287, S., a bill for an act to remit to the county of Portage certain indebtedness to the State;

No. 202, S., a bill for an act to authorize Brainard D. Hill and Edward P. Garter to maintain and keep a bridge pier extending into Lake Michigan;

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Brown, Oconto and Kewaunee counties.

I am further directed to inform you that the Assembly has passed, and asks the concurrence of the Senate in

No. 532, A., a bill for an act to lay out a State road from Wausau to the State line north, and to make an appropriation therefor;

And

No. 129, A., a bill for an act relating to the Milwaukee county court.

The Assembly has concurred in the passage of

No. 32, S., a bill for an act granting certain swamp and

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overflowed lands to the counties of Crawford, Bad Ax and La Crosse.

On motion of Sen. Hotchkiss,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file;

Sen. Hotchkiss in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 367, S., a bill for an act to authorize the transfer of certain public documents therein named;

No. 349, S., a bill for an act to appropriate to D. G. Powers the sum of $200;

No. 366, S., a bill for an act to amend chapter 158, of the Revised Statutes entitled of the writ of habeas corpus;

No. 364, S., a bill for an act to repeal chapter 218 of the general laws of 1859, entitled an act to provide for the government of the Wisconsin State Hospital for the Insane;

No. 361, S., a bill for an act to provide for an appeal from the decision of the State Auditor to the Supreme Court in certain cases;

No. 227, A., a bill for an act authorizing the laying out of a State road from Eau Claire, in Eau Claire county, to the mouth of the river Flambeau, in Chippewa county;

No. 302, A., a bill for an act to vacate certain lots of the town of the Island in Winnebago county;

No. 508, A., a bill for an act to legalize certain State roads therein named;

No. 492, A., a bill for an act to amend chapter 181, of the general laws of 1859, entitled an act concerning the amendment of pleadings;

No. 459, A., a bill for an act to amend section 37, of chapter 132, of the Revised Statutes entitled of issues, mode of trial and judgment in civil actions;

No. 77, A., a bill for an act to repeal chapter 330, of the private and local laws of 1855, entitled an act to incorporate the Wisconsin River Hydraulic Co.;

No. 78, A., a bill for an act to repeal chapter 320, of the private and local laws of 1853, entitled an act to authorize John Marshal, Joseph Baily, Edward Norris, Jonathan Bowman,

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James Christie, and their successors, to build and maintain a dam across the Wisconsin river;

No. 79, A., a bill for an act to repeal chapter 508, of the private and local laws of 1856, entitled an act to amend chapter 130, of the private and local laws of 1855;

No. 426, A., a bill for an act to amend section 21, of chapter 134, of the Revised Statutes, entitled of executions and proceedings supplemental thereto;

No. 368, A., a bill for an act to facilitate the collection of judgments;

No. 466, A., a bill for an act to reduce the capital stock of the Oshkosh Commercial Bank;

No. 429, A., a bill for an act to amend an act to incorporate the city of Sheboygan, and the several acts amendatory thereof;

No. 418, A., a bill for an act to amend an act, entitled an act to incorporate the village of Waterloo, approved March 15, 1859;

With the passage recommended.

No. 541, A., a bill for an act to change the name of Martha Plum, and to establish her guardianship and heirship;

Without recommendation.

No. 438, A., a bill for an act to amend section 88, of chapter 134, of the Revised Statutes, entitled of executions and proceedings supplementary thereto;

No. 359, S., a bill for an act to remit to the county of Milwaukee $1,970 11 of State tax levied on exempt property in said county;

No. 213, S., a bill for an act to amend chapter 67, of the General Laws of 1858, relative to the drainage fund income;

With the recommendation of indefinite postponement.

No. 353, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane;

With the recommendation that it do lie on the table.

No. 484, A., a bill for an act relating to the assessment and collection of taxes on school, university and swamp lands, and of all lands mortgaged to the State;

With the recommendation of indefinite postponement.

No. 358, S., a bill for an act in relation to the terms of the circuit court in Winnebago county;

No. 212, A., a bill for an act to empower cities, towns and villages to grant the use of the streets therein to certain railway companies;

No. 452, A., a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay

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interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad;

No. 534, A., a bill for an act to amend chapter 9, of the Revised Statutes, entitled of the Legislature, and also acts of a general nature of 1858, incorporated therein;

No. 551, A., a bill for an act to lay out a State road from Juneau county to Portage county;

With amendments and the recommendation to pass when so amended.

REPORT OF THE COMMITTEE OF THE WHOLE,

Considered.

Nos. 551, 227, 302, 508, 492, 459, 77, 78, 79, 426, 368, 466, 429 and 418, A.,

Were ordered to a third reading.

No. 361, S.,

Was ordered engrossed for a third reading.

On motion of Sen. Hutchinson,

No. 364, S.,

Was indefinitely postponed.

Sen. Hutchinson moved to indefinitely postpone

No. 366, S.,

The ayes and noes were called for, and

The motion prevailed—ayes 16, noes 12.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Maxon, Phillips, Stewart, Virgin Washburn and Worthington—16.

Those who voted in the negative were

Senators Decker, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat and Taylor,—12.

The question occurring on ordering to a third reading, bill

No. 349, S.;

The ayes and noes were called for,

And it was so ordered—ayes 14, noes 13.

Those who voted in the affirmative, were

Senators Comstock, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor and Virgin—14.

Those who voted in the negative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox-Curtis, Davis, Hutchinson, Masters, Phillips, Stewart, Washburn and Worthington—13.

The question occurring on ordering to a third reading bill

No. 534, A.;

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Sen. Hutchinson moved to amend the bill, as follows:

Strike out all after the enacting clause and insert the following: section 16, of chapter 9, of the Revised Statutes, and all laws authorizing the appointment of standing committee of Investigation are hereby repealed.

The ayes and noes were called for,

And the motion prevailed—ayes 22, noes 2.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Davis, Eagan, Ferguson, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Simpson, Stewart, Taylor, Virgin and Worthington—22.

Those who voted in the negative, were

Senators Curtis and Washburn—2.

The bill as amended was then ordered to a third reading.

No. 541, A.,

Was ordered to a third reading.

The amendments to bills,

Nos. 452, and 358, A.,

Were adopted,

And the bills as amended were ordered to a third reading.

Nos. 438, A., and 398, S.,

Were indefinitely postponed.

No. 353, S.,

Was laid on the table.

The question occurring on indefinitely postponing bill,

No. 484, A.,

The ayes and noes were called for, and

The Senate refused to indefinitely postpone—ayes 13, noes 14.

Those who voted in the affirmative were

Senators Cox, Curtis, Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Sweat—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Taylor, Virgin, Washburn and Worthington—14.

Senator Rodolf moved to lay the bill on the table;

The ayes and noes were called for, and

The motion was lost—ayes 13, noes 14.

Those who voted in the affirmative were

Senators Cox, Curtis, Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Sweat—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Virgin, Washburn and Worthington—14.

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Senator Hutchinson moved that the bill be ordered to a third reading;

The ayes and noes were called for, and

The bill was so ordered—ayes 15, noes 13.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Hanchett, Hutchinson, Masters, Phillips, Stewart, Taylor, Virgin, Washburn and Worthington—15.

Those who voted in the negative were

Senators Cox, Curtis, Decker, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson and Sweat—13.

On motion of Senator Hutchinson,

No. 367, S., was indefinitely postponed.

The question occurring on the indefinite postponement of bill No. 213, S.,

The ayes and noes were called for,

And the bill was indefinitely postponed—ayes 22, noes 6.

Those who voted in the affirmative were

Senators Bartlett, G. Bennett, Curtis, Davis, Decker, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Simpson, Sweat, Taylor, Virgin, Washburn and Worthington—22.

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Comstock, Cox, Rodolf and Stewart—6.

The question occurring on adopting the amendment to bill No. 212, A.,

The ayes and noes were called for,

And the amendment was adopted—ayes 15, noes 10.

Those who voted in the affirmative were

Senators G. Bennett, Burdick, Cox, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Sweat, Taylor and Worthington—15.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Comstock, Curtis, Davis, Hutchinson, Masters, Phillips, Stewart and Virgin—10.

The bill as amended was then ordered to a third reading.

Sen. Virgin asked leave of absence for the rest of the session;

Granted.

Sen. Hotchkiss presented the protest of S. D. Carpenter against a portion of the report of the joint committee of Investigation.

On motion of Sen. Sweat,

The Senate adjourned.

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4 o clock, P. M.

Senate met.

Lieut. Gov. in the chair.

Roll called and quorum present.

Sen. Davis presented a communication from the commissioners of public printing;

The communication, together with the protest of S. D. Carpenter, this morning presented by Sen. Hotchkiss,

Was ordered to be placed upon the journal.

[See Appendix B.]

BILLS INTRODUCED ON LEAVE,

Read first and second times, and referred:

By Finance committee:

No. 369, S., a bill for an act for the relief the city La Crosse;

On motion of Sen. A. I. Bennett,

All rules were suspended in order to put the bill upon its passage;

The bill was ordered to a third reading, and read.

The ayes and noes being required,

And the bill passed—ayes 27, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Virgin, Washburn and Worthington—27.

None voted in the negative.

By committee on Legislative Expenditures:

No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers;

To committee on Claims.

On motion of Sen. Ferguson,

All rules were suspended in order to put upon its passage bill

No. 540, S., a bill for an act to appropriate a certain sum of money to the joint committee on the State Prison;

The bill was ordered to a third reading, and read.

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On the passage of the bill,
The ayes and noes were required,
And the bill passed—ayes 20, noes 4.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Decker, Ferguson, Gill, Hilgen, Hotchkiss, Masters, Phillips, Rodolf, Seeley, Simpson, Taylor, Virgin and Washburn--20.
Those who voted in the negative were
Senators Curtis, Fratt, Stewart and Worthington—4.

REPORTS OF COMMITTEES.

The committee on Federal Relations, to whom was referred Res. No. 38, S.,

A resolution instructing the committee on Federal Relations to go to Texas and investigate the Blunt case, and providing that the expense shall be paid from the contingent fund;

Have had the same under consideration.

The undersigned, ene of said committee, begs leave to report that he has no resire to visit Texas on any such errand as contemplated by this resolution. While he recognizes the necessity of ultimately "going to that bourn from which no traveller returns," he is in no particular hurry to make the journey.—He is also of the opinion that if it is desirable for the State of Wisconsin to get rid of his presence, the expense of the affair should not be chargable to the contingent fund. It would certainly be out of place for the Legislature to interfere with the discretion of the Executive in the disposition of the fund.—And the undersigned is sure that the Governor would not willingly allow such a use of any part of it as might result in sweeping from the State one of her citizens of whom he has so high an opinion.

As the Hon. Senator who introduced the resolution, is one of the committee on Federal Relations, should it pass, the duty would devolve on him, as well as on the majority of said committee, to proceed to Texas. This implies that he deems himself fitted for the service. The undersigned has not the least objection to his enjoying all the honors that such fitness may carry with it. Perhaps the Governor may deem it best to dispatch him on such a mission, and use as much of the contingent fund as may be needed to pay the expense. Should he be so disposed, the undersigned advises that the responsibility be left entirely with him, knowing that "he will do what seems to him to be duty, if it sinks every town in the State to a level with the bottom of Lake Michigan."

H. W. CURTIS, *Ch'n.*

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The undersigned, one of the committee, fully concurs with the latter part of the above and foregoing report.

P. B. SIMPSON.

The undersigned, one of the committee on Federal Relations, dessents from all and singular of the suggestions and insinuations contained in the report of chairman of said committee.

O. F. BARTLETT.

Sen. Rodolf moved that Sen. Simpson be permitted to join the expedition.

So ordered, no objection being made.

The committee of Conference, to whom was referred

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county;

Recommend that the Senate recede from its amendment to section 1, and from such of its amendments to section 18, as have not been concurred in by the Assembly; also, from its amendment striking out section 20, and inserting a new section in lieu thereof; and amend section 20, so that it shall read as follows:

The said county judge shall receive a salary of five hundred dollars per annum, to be paid quarterly, out of the county treasury. There shall be paid, in all actions which may be commenced in said court or appealed thereto, the following fees, as a tax in addition to the county tax heretofore required to be paid, viz: In any amicable suit, where judgment is confessed upon the first appearance of the parties, and in actions wherein judgment is entered in vacation in default of answer, one dol- to be paid before entry of judgment. In actions wherein final judgment is entered upon an issue of law, one dollar and fifty- cents to be paid before the entry of judgment.

In all actions discontinued before issue joined, fifty cents; after issue joined and before trial, one dollar; if by order of court, one dollar and fifty cents—in appeal suits dismissed, one dollar to be paid in advance. In all actions wherein judgment is entered in term time, in default of answer or demurrer, one dollar and fifty cents, to be paid before entry of judgment. In all actions wherein issue of fact is tried by the court or by a jury, including rendition of judgment and recurring and entering verdict, two dollars. The fees mentioned in this section in actions wherein an issue of fact is tried by the court or a jury, shall be paid at, or before such cause is reached for trial, and if it be in a cause commenced in said court, such fees shall be paid by the plaintiff, and if an appeal case from a justice of the peace, by the appellant, and if any party, upon whom it de-

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volves to pay the fees required by the provisions of this section, shall fail or neglect to pay such fees at the time herein required, the court may, if it be a suit commenced in said court, render judgment, as in case of non-suit, against the plaintiff therein. If the cause be an appeal from a justice of the peace, the court may dismiss the appeal therein, and render judgment in said court against the appellant for the costs therein, in said court on appeal. All the fees mentioned in this section shall be paid to the clerk of the court, and when so collected shall be paid quarterly into the county treasury, and the same shall constitute a separate fund to be applied toward the payment of the salary of the county judge.

Amend section 25, so that it shall take effect and be in force from and after its passage and publication.

GEO. S. BARNUM,
GEO. B. GOODWIN,
Committee on the part of the Assembly.
C. G. RODOLF,
G. W. WASHBURN,
Committee on the part of the Senate.

I concur in the above report except as to giving the county judge a salary.

GAB. BOUCK.

The committee on Finance, to whom was referred a memorial from the citizens of LaCrosse, in relation to the apportionment of county taxes of said city, report a bill to carry out the wishes of said petitioners, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on Incorporations, to whom was referred

No. 479, A., a bill for an act to revive and modify an act to incorporate the Milwaukee Cemetery Association, of the city of Milwaukee, approved August 16, 1848;

Have had the same under consideration, and instructed me to report the same back to the Senate and recommend that it do pass.

SEELEY, *Ch'n.*

The committee on Finance to whom was referred

No. 533, A.,

Report the same back and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on the Judiciary to whom was referred

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No. 182, S., a bill for an act concerning practice and appeals;

Have considered the same and instructed me to report the same back and recommend its passage.

HANCHETT, *Ch'n.*

The committee on Finance to who was referred

No. 48, A., reducing tax on foreign insurance companies;

Report back said bill without recommendation.

A. I. BENNETT, *Ch'n.*

The committee on Judiciary, to whom was referred,

No. 332, A., a bill for an act to protect certain counties, cities and villages, have considered the same, and instructed me to report the same back and recommend its passage.

HANCHETT, *Ch'n.*

The joint committee on Enrolled Bills, report that on the 28th inst., they presented to the Governor for his approval, the following bills:

No. 294, A., a bill for an act to provide for the disposal and expenditure of the drainage fund moneys in Jefferson county;

No. 575, A., a bill for an act to vacate a certain street in the village of Waukau, Winnebago county;

No. 315, A., a bill for an act to amend section 3, of chapter 190, of Revised Statutes, entitled of prisons generally and common jails;

No. 73, A., a bill for an act to authorize the laying out of a State road from Prairie du Chien to LaCrosse;

No. 297, A., a bill for an act to legalize the sale of land for unpaid taxes, in the county of Trompeleau;

No. 384, A., a bill for an act to amend section 53, of chapter 140, of the Revised Statutes, entitled of miscellaneous proceedings in civil actions, and general provisions;

No. 374, A., a bill for an act to amend chapter 127, of the Revised Statutes, entitled of arrest and bail;

Jt. Res. No. 29, A.,

Relative to grants of public lands to actual settlers, and to passage of the homestead bill.

GEO. BENNETT, *Sen. Com.*
C. MILLER, *Ass. Com.*

The committee on Enrolled Bills report that they have examined and find correctly enrolled the following bills, viz:

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled of notaries public;

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No. 254, S., a bill for an act to create the town of Forsyth, and to amend chapter 330, of the Private and Local Laws of 1857, incorporating the city of Berlin;

No. 323, S., a bill for an act to establish terms of the Circuit Court in the counties of Crawford and Buffalo, in the sixth judicial circuit;

No. 32, S., a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La Crosse.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled bills report that on the 29th inst., they presented to the Governor for his approval the followin bills, viz:

No. 263, S., a bill for an act to appropriate to William Edgar the sum of $15 25;

No. 320, S., a bill for an act to provide for the disposal and expenditure of the drainage fund in the counties of Kewaunee and Door;

No. 296, S., a bill for an act to appropriate to Rufus Parks the sum of $40;

No. 279, S., a bill for an act to appropriate to A. J. Langworthy the sum of $68;

No. 272, S., a bill for an act to provide for the holding of the annual school meeting, in school district No. 4, in the town of East Troy;

No. 229, S., a bill for an act to incorporate the Wisconsin Agricultural and Mechanical Association;

No. 23, S., a bill for an act concerning judgments in certain cases;

No. 318, S., an act to authorize the city of Kenosha to levy a special tax for harbor improvement, and to repeal section 4, of subdivision 6, entitled, of taxation, of chapter 133, of the private and local laws of 1857, entitled an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;

No. 278, S., a bill for an act to provide for the redemption and conveyance of unredeemed lands in Brown, Oconto and Kewaunee counties;

No. 216, S., a bill for an act to appropaiate to Samuel M. Flower the sum of $177;

No. 306, S., a bill for an act to appropriate to Thomas Gill the sum of $80;

No. 202, S., a bill for an act to authorize Brainard D. Hill, and Edward P. Garter to maintain and keep a bridge pier extending into Lake Michigan;

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No. 265, S., a bill for an act to appropriate to S. S. Keyes the sum of $33;

No. 287, S., a bill for an act to remit to the county of Portage certain indebtedness to the State;

No. 308, S., a bill for an act to appropriate to Wm. J. Gill the sum of 52;

No. 335. S., a bill for an act to legalize the acts of the county board of supervisors of Manitowoc county, for the year A. D. 1859;

No. 240, S., a bill for an act to organize the county of Door for judicial purposes;

No. 237, S., a bill for an act to annex a part of the county of Chippewa to the county of Dallas;

No. 309, S., a bill for an act to appropriate to Francis Henwood the sum of $30;

No. 295, S., a bill for an act to incorporate the Dane county Agricultural and Mechanical Association;

No. 307, S., a bill for an act to appropriate to Thomas Knudson the sum of $38;

No. 246, S., a bill for an act to revive the Rock Lake Cemetary Association;

No. 215, S., a bill for an act to appropriate to James M. Maughes $25 10.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The committee on Finance, to whom was referred

No. 248, S., in relation to taxing railroads, as the subject has been already disposed of, report back said bill, and recommend that it be laid on the table.

A. I. BENNETT, *Ch'n.*

So ordered.

The committee on Finance, to whom was referred

No. 40, A., in relation to extending time for payment of principal upon school and university land certificates, report the same back, and recommend its passage.

A. I. BENNETT, *Ch'n.*

The committee on the Judiciary to whom was referred

No. 346, S., a bill for an act regulating plank, turnpike and MacAdamized roads;

Have considered the same and instructed me to report the same back and recommend its passage with amendment.

HANCHETT, *Ch'n.*

On motion of Sen. Davis,

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All rules were suspended in order to put said bill on its passage.

The amendment was adopted.

The bill was then ordered to a third reading and read.

On the passage of the bill

The ayes and noes were required,

And the bill was passed—ayes 21, noes 4.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Virgin and Washburn—21.

Those who voted in the negative were

Senators Fratt, Stewart, Taylor and Worthington—4.

The committee of Public Lands report back

Bill No. 334, A., a bill for an act for the relief of settlers upon the even sections of the Fox and Wisconsin River Improvement Company,

And recommend that said bill be referred to the committee on education, school and university lands.

STEWART,
COX,
DECKER.

So ordered.

The committee on Legislative Expenditures, to whom was referred

J. Res. No. 23, relating to auditing newspaper accounts,

Beg leave to report the same back, and recommend that it lie on the table.

They also beg leave to report without recommendation

A bill for an act to authorize the Secretary of State to audit certain accounts for newspapers.

G. WASHBURN,
N. H. VIRGIN,
Committee.

The committee on Claims, to whom was referred bills

No. 285, S., a bill for an act to appropriate to the Institution for the Blind;

No. 286, S., a bill for an act to appropriate to the Institution for the Deaf and Dumb;

No. 262, S., a bill for an act to amend chapter 20, of the General Laws of 1859;

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No. 313, S., a bill for an act to provide for indexing the journals of the Legislature;

Have reported back said bills,

And recommend that they be indefinately postponed,

Some of which have been provided for by other bills, and reported to Assembly.

Also bills,

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $100;

No. 352, S., a bill to appropriate to the State Reform School the sum of $5,000;

No. 368, S., a bill for an act to appropriate to the St. John's Charity Hospital;

Have considered said bills and report them back without recommendation.

Also bill,

No. 33, S., a bill for an act to provide for auditing the accounts of sheriffs for conveying State prisoners;

Report the same back and recommend indefinite postponement.

Z. P. BURDICK, *Ch'n.*

The committee on Claims to whom was referred account,

No. 44, S.,

Report the same back, with the Governor's requisition accompanying said account, with a recommendation that the said Saukey have leave to withdraw the same, as the claim is not a proper charge against the State.

Z. P. BURDICK, *Ch'n.*

So ordered.

ASSEMBLY MESSAGE OF THIS MORNING.

Considered.

Bills read first and second times and referred.

No. 129, A., a bill for an act relating to the Milwaukee County Court;

To Judiciary committee.

No. 532, A., a bill for an act to lay out a State road from Wausau to the State line north, and to make an appropriation

To the committee on Roads, Bridges and Ferries.

No. 504, A., a bill for an act to amend the charter of the Milwaukee, Watertown and Baraboo Valley railroad company;

To the committee on Railroads.

No. 495, A., a bill for an act to cede the town of Norway, in Racine county, the swamp and overflowed lands in said town;

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To the committee on Public Lands.

No. 585, A., a bill for an act to amend chapter 23, of the Revised Statutes, entitled of common schools;

To the committee on Education, School and University Lands.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the Senate amendments to the following bills:

No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet county, to Wrightstown, in Brown county;

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay.

I am also directed to inform you that the Assembly has adopted the report of the committee of conference on

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county.

I am further directed to inform you that the Assembly insists upon its non-concurrence in Senate amendment to

No. 328, A., a bill for an act to amend chapter 151, of the General Laws of 1859, entitled an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150, of the Revised Statutes;

And asks a committee of conference.

Messrs. Bouck, Neville and Howland, appointed on the part of the Assembly.

And further that the Assembly insists upon its amendment to

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15, of the Rivised Statutes, entitled of the assessment and collection of taxes;

And asks a committee of conference, and has appointed Messrs. Elmore, Griswold and Holton, such committee.

I am also directed to inform you that the Assembly has adopted the report of the committee of conference on

No. 53, S., a bill for an act providing for enclosing of railroads by fences and cattle guards.

I am further directed to inform you that the Assembly has concurred in the passage of

No. 29, S., a bill for an act to authorize the Secretary of

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State to contract for necessary gas furnished for the use of the capitol and other State institutions in the city of Madison;

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry Co.;

No. 209, S., a bill for an act to amend section 106, of chapter 28, of the Revised Statutes, entitled of the school and university lands;

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860.

And also that the Assembly has amended, and concurred in as amended,

No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

And

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes entitled of the State Historical Society.

I am also directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 221, A., a bill for an act to incorporate Religious Societies;

No. 252, A., a bill for an act to amend chapter 151, of the Session Laws of 1859, entitled an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150 of Revised Statutes;

No. 150, A., a bill for an act to authorize the Supreme Court to pronounce final judgment in certain criminal cases;

No. 292, A., a bill for an act to amend section 88, of chapter 79, of the Revised Statutes, entitled of railroads;

J't res. 35, A., relative to bill no. 52, A.,

No. 269, A., a bill for an act to appropriate to the Institute for the education of the deaf and dumb, and the Institute for the education of the blind of the State of Wisconsin, certain sums of money therein named;

No. 601, A., a bill for an act to appropriate to Mygatt & Schmidtner the sum of $200;

No. 617, A., a bill for an act to appropriate to L. H. D. Crane the sum of $225;

No. 624, A., a bill for an act to appropriate to C. M. Marvin the sum of $50;

No. 625, A., a bill for an act to appropriate Church & Hawley the sum of $23;

No. 626, A., a bill for an act to appropriate to R. G. Norton the sum of $26 24;

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No. 627, A., a bill for an act to appropriate to Andrew Bishop the sum of $60;

No. 650, A., a bill for an act to appropriate to Burt Brett the sum of $49 75;

No. 651, A., a bill for an act to appropriate to J. B. Bowen the sum of $26 18.

And also, that the Assembly has concurred in the passage of

No. 310, S., a bill for an act to appropriate to William Hawley the sum of $42.

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. 221, A.,

To committee on Incorporations

No 292, A.,

To committee on Rail Roads.

Nos. 150 and 252, A.;

To Judiciary Committee.

Nos. 269, 601, 617, 624, 625, 626, 627, 650 and 651, A.;

To general file.

J. Res. No. 35, A.,

Was taken up and considered.

Senator Seeley moved to amend the resolution by striking out the word "inserting," and placing in lieu thereof the word "restoring;"

And the motion was lost.

The question occurring on the adoption of the resolution,

The ayes and noes were called for, and

The resolution was adopted—ayes 18, noes 8.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Davis, Decker, Ferguson, Fratt, Gill, Hanchett, Hilgen, Phillips, Rodolf, Seeley, Simpson, Taylor and Worthington—18.

Those who voted in the negative were

Senators Curtis, Egan, Hutchinson, Masters, Maxon, Stewart, Virgin aed Washburn—8.

On motion of Senator Rodolf,

A committee of conference on the part of the Senate was ordered on bill

No. 328, A.;

The chair appointed Senators Rodolf and Comstock said committee.

On motion of Senator A. I. Bennett,

A committee of conference, on the part of the Senate, was ordered on bill

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No. 11, S.;

The chair appointed Senators A. I. Bennett and Rodolf said committee.

The Senate adopted the report of the committee of Conference on bill

No. 53, S.,

The Senate concurred in the Assembly amendment to bill

No. 211, S.,

The Senate refused to concur in the Assembly amendment to

No. 321, S.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, March 29, 1860.

To the Honorable, the Assembly:

Herewith, I submit to the Legislature a communication from Henry Barnard, Lyman C. Draper, and J. L. Pickard, the committee appointed by joint resolution of the Senote and Assembly, to revise the School Laws, upon the subject referred to them. ALEX. W. RANDALL.

To His Excellency Gov. Randall:

The undersigned, appointed by joint resolution of the Senate and Assembly, approved March 21, 1859, to make and report to you, for submission to the Legislature now in session, a revision of the school laws—have had several interviews on the subject of their appointment, and have come to the conclusion, in view of the wide difference of opinion among practical teachers and school officers, as to the best modes of organizing and administering a system of public schools so as to secure as widely, uniformly and cheaply as practicable over a large territory, with the varying conditions of population, wealth and occupation, of different towns, cities and districts, to all of the children and youth of the State, the best opportunities of education, which good teachers and good books can impart—and also in view of the discussions now in progress at teachers' institutes and other educational meetings in different parts of the State, by which the differences of opinion will be reconciled, and the leading features of an efficient system, will be generally approved—that they will be better prepared to submit the draft of a revised school code at the close of another year--should such be the pleasure of the Legislature.

HENRY BARNAD,
LYMAN C. DRAPER,
J. L. PICKARD.

MADISON, March 21, 1860.

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REOLUTIONS PRESENTED AND CONSIDERED.

By Sen. Davis:

J. Res. No. 25, S.,

Resolved, by the Senate, the Assembly concurring, That the provisions of the joint resolution, approved March 21, 1859, for the revision of the school laws be continued in operation for the year 1860, and that the Hon. Henry Barnard, Chancellor of the State University, Hon. Josiah L. Pickard, Superintendent of Public Instruction, and John G. McMynn, of Racine, be, and are hereby appointed a commission to make such revision;

The resolution was read first and second times,

Ordered to a third reading, read, and adopted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature the following bills which have been signed by the Speaker:

No. 303, A., an act to enable the city of Fond du Lac to settle with its bondholders;

No. 455, A., an act to change the name of Sarah McCabe to Sarah Kate Graves;

No. 424, A., an act to amend chapter 25, of the Revised Statutes, entitled of the publication of legal decisions;

No. 543, A., an act to appropriate to A. G. Darwin the sum of $257 56;

No. 440, A., an act to provide for the payment of money to the Waupaca county agricultural society for the year 1856;

No. 225, A., an act to authorize the city of Milwaukee to construct certain bridges;

No. 277, A., an act to amend chapter 139, of the Revised Statutes, entitled of appeals, writs of error and proceedings thereon;

No. 168, A., an act to incorporate the St. Anthony Mutual Relief Society of the city of Milwaukee;

No. 42, A., an act exempting certain university lands from taxation;

No. 639, A., an act to postpone the tax sale in Douglas county;

No. 525, A., an act to authorize the city of Milwaukee to construct a certain bridge;

No. 25, A., an act to authorize the bank of Oshkosh to make

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and file new articles of association and continue the banking business;

No. 461, A., an act to authorize the city of Milwaukee to construct and maintain certain bridges;

No. 361, A., an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 353, A., an act to legalize the official acts of Willard T. Chase as justice of the peace in the county of Dunn;

No. 362, A., an act to provide for laying out a State road from Superior to Chippewa Falls;

No. 489, A., an act to appropriate to Moseley & Brother the sum of $217 93;

No. 401, A., an act to authorize the Secretary of State to audit certain accounts;

No. 360, A., an act to amend an act to consolidate the several school districts in the city of Fond du Lac, approved Feb. 24, 1859;

No. 390, A., an act to authorize the Secretary of State to audit certain accounts;

No. 583, A., an act to organize Shawano county for judicial purposes;

No. 569, A., an act to incorporate the Milwaukee Mutual Laborers' Relief Society;

No. 354, A., an act to amend an act entitled an act to incorporate the Peshtigo Lumbering and Manufacturing Company, approved Oct. 11, 1856, and the amendments thereto;

J. Res. No. 4, A., objecting to any change of the naturalization laws.

I am further directed to inform you that the Assembly has passed the following bills and asks the concurrence of the Senate in the same:

No. 649, A., a bill for an act to appropriate to Edmund Gibbs the sum of $85 18;

No. 563, A., a bill for an act to amend chapter 199, of the Private and Local Laws of 1859, entitled an act to establish a municipal court in the city and county of Milwaukee, approved March 18, 1859;

No. 545, A., a bill for an act to authorize the Governor of the State of Wisconsin to seize certain land on Green Island for the use of the State;

No. 544, A., a bill for an act to legalize the organization and records of the Lyceum of the city of Green Bay;

No. 527, A., a bill for an act to appropriate to Francis W. Newland the sum of $422 50;

No. 513, A., a bill for an act to provide for the holding of separate election polls in such towns in this State as comprise two or more Assembly districts;

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No. 493, A., a bill for an act to amend chapter 184, of the Revised Statutes, entitled of inquests of the dead.

And further, that the Assembly has amended and concurred in as amended,

No. 55, S., a bill for an act to establish an official State paper.

Also has amended both the title and body of the following bill, and cocurred in the same as amended:

No. 177, S., a bill for an act to establish a highway therein described.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second time and referred:
No. 527, 544, 545, and 649, A.,
To general file.
No. 563, A.,
To Senators Eagan and Comstock.
No. 493 and 513, A.
To committee on Town and County Organization.
No. 55, S.,
With Assembly amendments;
Senate concurred in the amendments.
No. 177, S.,
With Assembly amendments;
Sen. concurred in the amendments.

BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and the passage concurred in:

No. 77, A., a bill for an act to repeal chapter 330, of the private and local laws of 1855, entitled an act to incorporate the wisconsin River Hydraulic Co.;

No. 78, A., a bill for an act to repeal chapter 270, of the private and local laws of 1853, entitled an act to authorize John Marshal, Joseph Baily, Edward Norris, Jonathan Bowman, James Christie, and their successors, to build and maintain a dam across the Wisconsin river;

No. 79, A., a bill for an act to repeal chapter 508, of the private and local laws of 1856, entitled an act to amend chapter 330, of the private and local laws of 1855;

No. 492, A., a bill for an act to amend chapter 181, of the general laws of 1859, entitled an act concerning the amendment of pleadings;

No. 551, A., a bill for an act to lay out a State road from Junean county to Portage county;

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No. 534, A., a bill for an act to amend chapter 9, of the Revised Statutes, entitled of the Legislature, and also acts of a general nature of 1858, incorporated therein;

No. 212, A., a bill for an act to empower certain cities, towns and villages to grant the use of the streets therein to certain railroap companies;

No. 466, A., a bill for an act to reduce the capital stock of the Oshkosh Commercial Bank;

No. 429, A., a bill for an act to amend an act to incorporate the city of Sheboygan and the several acts amendatory thereof;

No. 426, A., a bill for an act to amend section 21, of chapter 134, of the Revised Statutes, entitled of executions and proceedings supplemental thereto;

No. 459, A., a bill for an act to amend section 37, of chapter 132, of the Revised Statutes, entitled of issues, mode of trial and judgment in civil actions;

No. 227, A., a bill for an act authorizing the laying out of a State road, from Eau Claire, in Eau Claire county, to the mouth of the river Flambeau, in Chippewa county;

No. 302, A., a bill for an act to vacate certain lots in the town of the Island, in Winnebago county;

No. 368, A., a bill for an act to facilitate the collection of judgments;

No. 418, A., a bill for an act to amend an act entitled an act to incorporate the village of Waterloo, approved March the 15th, 1859;

No. 541, A., a bill for an act to change the name of Martha Plum, and to establish her guardianship and heirship;

The ayes and noes being required on the passage of

No. 552, A., a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad;

The bill was passed—ayes 25, noes none:

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkis, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—25.

None voting in the negative.

The ayes and noes being required in the passage of

No. 484, A., a bill for an act relating to the assessment and collection of taxes on school, university and swamp lands, and of all lands mortgaged to the State;

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The bill was passed—ayes 13, noes 13;

The chair voted in the affirmative.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Virgin, Washburn and Worthington—13.

Those who voted in the negative, were

Senator Cox, Curtis, Decker, Eagan, Ferruson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Stewart and Taylor—13.

The Senate refused to pass

No. 508, A., a bill for an act to legalize certain State roads therein named;

On motion of Sen. Cox, the vote by which the Senate refused to pass said bill

No. 508, A.,

Was reconsidered, and

The bill was passed.

BILLS READY FOR A THIRD READING.

The following bills were severally read a third time and passed:

No. 358, S., a bill for an act in relation to the terms of the circuit court in Winnebago county;

The ayes and noes were called for, on the passage of bill,

No. 361, S., a bill for an act to provide for an appeal from the State Auditor to the Supreme Court in certain cases;

And the bill was passed—ayes 16, noes 10.

Those who voted in the affirmative were

Senators G. Bennett, Curtis, Decker, Eagan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Masters, Maxon, Rodolf, Seeley, Simpson, and Taylor—16.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Comstock, Cox, Davis, Phillips, Stewart, Virgin, Washburn and Worthington—10.

The ayes and noes being revuired on the passage of bill

No. 349, S., a bill for an act to appropriate to D. G. Powers the sum of $200;

The Senate refused to pass the bill——ayes 13, noes 15.

Those who voted in the affirmative were

Senators Comstock, Decker, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Taylor, and Virgin—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Washburn and Worthington—15.

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Simpson:

Res. No. 91, S.,

Resolved, That 5,000 copies of Res. No. 38, S., in reference to the Blunt memorial, together with the report of the committee on Federal Relations, thereon, be printed in pamphlet form, for the use of the Senate; *Provided*, that the same shall not exceed six cents per copy;

Sen. Virgin moved to lay the resolution on the table,

Pending which,

Sen. Hotchkiss moved that the Senate do now adjourn, and

The motion was lost.

The question recurring on Sen. Virgin's motion,

The ayes and noes were called for, and

The motion prevailed—ayes 16, noes 8.

Senators Bartlett, A. I. Bennett, Comstock, Cox, Curtis, Davis, Decker, Ferguson, Hilgen, Hutchinson, Masters, Maxon, Phillips, Stewart, Virgin and Washburn—16.

Those who voted in the negative were

Senators G. Bennett, Burdick, Eagan, Gill, Hotchkiss, Rodolf, Simpson and Worthington—8.

On motion of Sen. Virgin,

The Senate adjourned.

ERIDAY, March, 30, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Roll called and quorum present.

Reading of the journal of yesterday dispensed with.

On motion of Sen. Worthington,

All rules were suspended in order to put upon its passage No. 352, S., a bill for an act to appropriate the sum of $5000 to the State Reform School;

The bill was ordered to a third reading, and read.

The ayes and noes being required,

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The bill was passed—ayes 20, noes none.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Decker, Eagan, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Seeley, Taolor, Virgin and Worthington—20.

None voted in the negative.

RESOLUTIONS INTRODUCED AND CONSIDERED.

J. Res. No. 23, S.,

Relating to auditing newspaper accounts.

Yestereay introduced by Sen. Rodolf and laid over, was

On motion of Sen. Maxon,

Laid on the table

By joint Investigating committee:

No. 92, S.,

Resolved, That the Attorney General be requested to collect for the State the the amount of stationery fund now in the possession of E. W. Keyes;

Adopted.

Res. No. 24, S.,

Resolved, by the Assembly, the Senate concurring, That 2,000 copies of the report of the joint committee of Investigation be printed for the use of the present Legislature;

Which was yesterday introduced by Sen. Stewart, and laid over;

Was taken up, and

Sen. Hotchkiss moved to amend the resolution by inserting after the word "investigation," together with the report of the joint committee on Printing, and the protest of S. D. Carpenter, and argument accompanying the same, and the communication of the Board of Commissioners for letting contracts for the public printing, on the same subject.

Sen. Stewart moved to lay the whole subject on the table.

The ayes and noes were called for,

And the motion prevailed—ayes 22, noes 3.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Decker, Eagan, Ferguson, Hanchett, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Simpson, Stewart, Taylor, Washburn, and Worthington—22.

Those who voted in the negative were

Senators Gill, Hilgen and Masters—3.

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By Sen. Worthington:
Res. No. 93, S.,
Resolved, The Chief Clerk of the Senate is hereby directed to correct the proof of such portion of the Senate Journal as shall not be distributed in time for correction by the Senate;
Adopted.

REPORTS OF COMMITTEES.

The committee on Claims to whom was referred,
No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers
Have had the said bill under consideration, and have instructed me to report the same back without recommendation.

BURDICK, *Ch'n.*

The committee to whom was referred the following resolution:
Whereas, There is a seeming discrepancy between the cost of the annual supply of stationery in the years of 1857 and 1858 respectively, as appears from the report of the Investigating committee;
Resolved, That said committee be instructed to inquire into and report whether the moneys appropriated for that purpose, for those years, has been faithfully expended for the best interest of the State,
Would report, that they have not been able to obtain any more positive information in regard to the purchase of the stationery for 1858, than is to be found on page 1388, of the Senate journal of 1858. By this reference it will be seen that Mr. E.W. Keyes, who was the agent for the purchase of that year, retained in his possession $200 more than the law allowed for his services. Upon inquiry, your committee find that Mr. Keyes has not paid this money over to the State. The following resolution is therefore submitted for the consideration of the Senate.

DAVIS, *Ch'n.*

The joint committee of Conference on the disagreement between the Houses on the passage of bill
No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 18, of the Revised Statutes, entitled of the assessment and collection of taxes;
Have had the subject under consideration, and recommend

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that said bill, as it passed the Senate, be amended in the following manner:

1st. Strike out the ninth subdivision of said bill, and insert the following, to stand as subdivision nine:

"Strike out the words '*or other personal property*,' where they occur in the ninth subdivision of section three of the act to which this is an amendment."

2d. Strike out all of the 11th subdivision of said Senate bill, after the word "following," in line 6, to and including the word "assessor," in line 7, of engrossed bill, and insert the words "*the assessor or assessors.*"

3d. Strike out of the eleventh subdivision of said bill, the words "twenty-six," where they occur in line 81 of printed bill 9th line from the end of said subdivision in engrossed bill.

The committee recommend that the Senate agree to the foregoing amendments to said bill, and that when so amended, the Assembly recede from its non-concurrenee in the passage of said bill.

A. I. BENNETT,
C. G. RODOLF,
Senate Com.
A. E. ELMORE,
E. D. HOLTON,
WM. GRISWOLD,
Assembly Com.

☞ The undersigned cannot let the above report go forth without entering this protest against our present law on the subject of Assessments, and have signed the report of the committee of conference recommending the passage of the Senate bill with amendments, only for the reason that it is a slight improvement on the law of last year, and as this is the last working day of the session, we are compelled to say, as did the man who had the ague, "it is better than nothing."

A. E. ELMORE,
WM. GRISWOLD.

The question being on the adoption of the report and the discharge of the committee;

The ayes and noes were called for

And the report was adopted—ayes 17, noes 9.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Hanchett, Hutchinson, Masters, Phillips, Rodolf, Seeley, Simpson, Stewart and Worthington—17.

Those who voted in the negative were

Senators Decker, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Taylor and Washburn—9.

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The Railroad committee to whom was referred,

No. 292, A., a bill for an act to amend section 39, of chapter 79, of the Revised Statutes, entitled of railroads, have considered the same and recommend its passage.

PHILLIPS, *Ch'n.*

The Railroad committee to whom was referred,

No. 504, A., a bill for an act to amend the charter of the Milwaukee, Watertown and Baraboo Valley railroad company, have had the same under consideration, and the majority of the committee direct me to report the same back with recommendation that it do pass.

PHILLIPS, *Ch'n.*

The committee on Conference, to whom was referred

No. 37, A., entitled a bill for an act in relation to the abatement and revivor of suits;

Recommend that the amendments of the Senate, striking out section 6, be concurred in, and that the Senate recede from its amendment, striking out section 5.

M. M. SEELEY,
C. G. RODOLF,
On part of Senate.
GAB. BOUCK,
H. L. PALMER,
A. COBB,
On part of Assembly.

The question being on adopting the report and discharging the committee,

The Senate refused to adopt the report and discharge the committee.

The committee on Roads, Bridges and Ferries, to whom was referred

No. 532, A., a bill for an act to lay out a State road from Wausau to the State line north, and make an appropriation therefor;

Also,

No. 407, A., a bill for an act to permit the Board of Supervisors of the several towns in the county of Milwaukee, to lay out and open highways of the width of three rods;

Have had the same under consideration, and instructed me to report the same back without amendments, and recommend that they do pass.

P. B. SIMPSON.

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The committee on Public Lands herewith report

No. 495, A., a bill for an act to cede to the town of Norway, in Racine county, the swamp and overflowed lands in said town;

With recommendation of passage.

J. W. STEWART, *Ch'n.*

The committee on Incorporation to whom was referred

No. 294, S., a bill for an act to amend an act to incorporate the Manitowoc Library and Scientific Association;

And

No. 319, S., a bill for an act to amend chapter 275, Private and Local Laws of 1857, entitled an act to incorporate the city Hudson;

And

No. 603, A., a bill for an act to incorporate the German Mutual Insurance Company, of Milwaukee;

Have had the same under consideration, and instructed me to report the same back to the Senate and recommend their passage.

M. W. SEELEY, *Ch'n.*

The committee on Incorporations, to whom was referred

No. 406, A., a bill for an act to incorporate the Delavan Academy;

And

No. 609, A., a bill for an act to amend chapter 90, of the Private and Local Laws of 1859, entitled an act to authorize the Second Ward Cemetery Association, of the city of Milwaukee, to sell and convey a certain portion of their land;

And

No. 221, A., a bill for an act to incorporate religious societies;

Have had the same under consideration and recommend that they severally do pass. SEELEY, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 150, A., a bill for an act authorizing the supreme court to prononnce final judgments in certain criminal cases;

No. 502, A., a bill for an act requiring publication of notice of proposed special legislation;

Have considered the same, and instructed me to report the same back without recommendation.

HANCHETT, *Ch'n.*

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The committee on Judiciary, to whom was referred

No. 159, A., a bill for an act relating to sublic officers and their duties;

Have instructed me to recommend its passage.

HANCHETT, *Ch'n.*

The committee on Judiciary, to whom was referred

No. 362, S., a bill for an act amending chapter 87, General Laws of 1858, entitled an act providing for the organization of the militia;

Have instructed me to report the same back without recommendation.

HANCHETT, *Ch'n.*

Sen. Decker asked leave of absence for the balance of the term;

And leave was granted.

On motion of Sen. Hotchkiss,

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

They further reported back the following bills, with the several recommendations accompanying the same:

No. 262, S., a bill for an act to amend chapter 20, of the General Laws of 1859, entitled an act to provide for the payment of the clerks of the committees on Claims and Judiciary;

No. 285, S., a bill for an act to appropriate to the institution for the education of the blind the sum of money therein named;

No. 286, S., a bill for an act to appropriate to the institution for the education of the deaf and dumb of the State of Wisconsin, the sum of money therein named;

No. 319, S., a bill for an act to amend chapter 275, of the Private and Local Laws of 1857, entitled an act to incorporate the city of Hudson;

No. 294, S., a bill for an act to amend an act to incorporate the Manitowoc Library and Scientific Association;

No. 497, A., a bill for an act to constitute Shawano county a part of the Tenth Judicial Circuit, and to fix the terms of court therein;

No. 34, A., a bill for an act to repeal certain portions of

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chapter 136, of the Revised Statutes, entitled of writs and process;

REPORT OF COMMITTEE OF THE WHOLE,

Considered.

Nos. 381, 562, 497, 34, 506, 142, 462, 550, 556, 591, 590, 494, 570, 650, 601, 627, 651, 624, 625, 626, 527, 649, 504, 11, 509, 141, 572, 269, 545, 544, 533, 517, 332, 40, and 532, A.;

Were ordered to a third reading.

Nos. 182, 319, and 294, S.;

Were ordered engrossed for a third reading.

The amendments to bills

Nos. 617, 458, and 395, A.,

Were adopted and bills were ordered to a third reading.

The Senate refused to adopt the amendments to bill

No. 370, S.;

And ordered to a third reading the bill without amendment.

Nos. 262, 313, and 362, S.,

Were indefinitely postponed.

Nos. 285, 286, 161, 368, 33, and 293, S., and 517, and 640, A.;

Where laid on the table.

The question occurring on ordering to a third reading bill

No. 96, S.,

The ayes and noes were called for

And the Senate refused to so order—ayes 10, noes 12.

Those who voted in the affirmative were

Senators Comstock, Ferguson, Fratt, Hanchett, Hilgen Hotchkiss, Maxon, Phillips, Seeley and Simpson—10.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hutchinson, Rodolf, Stewart, Virgin, Washburn and Worthington—12.

Sen. Virgin moved to re-consider the vote by which the Senate refused to order said bill to a third reading.

The ayes and noes were called for,

And the motion prevailed—ayes 13, noes 12.

Those who voted in the affirmative were

Senators Comstock, Eagan, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Seeley, Simpson, and Taylor—13.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hutchinson, Stewart, Virgin, Washburn and Worthington—12.

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The question recurring on ordering the bill to a third reading;

The ayes and noes being called for,

The Senate refused to so order—ayes 12, noes 12;

The Chair voting in the negative.

Those who voted in the affirmative were

Senators Comstock, Eagan, Ferguson, Fratt, Hanchett, Hilgen, Hotchkiss, Maxon, Phillips, Seeley, Simpson and Taylor —12.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Hutchinson, Stewart, Virgin, Washburn and Worthington— 12.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:—

I am directed to present for your signature the following bills which been signed by the Speaker:

No. 323, S., an act to establish terms of the circuit court in the counties of Crawford and Buffalo in the sixth judicial circuit;

No. 254, S., an act to create the town of Forsyth, and to amend chapter 330, of the Private and Local Laws of 1857 incorporating the city of Berlin;

No. 12, S., an act to amend chapter 12, of the Revised Statutes, entitled of Notaries Public;

No. 32, S., an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La Crosse.

I am further directed to inform you that the Assembly has indefinitely postpone the further consideration of

No. 127, S., a bill for an act to amend chapter 13, of Revised Statutes, entitled county and county officers.

I am further directed to present to you for signature the following bills which have been signed by the Speaker:

No. 283, A., an act to equalize the State tax for Brown county;

No. 398, A., an act to vacate and extinguish the town of Orwell in the county of Racine, and to attach the territory comprising the same, to the towns of Mount Pleasant and Caledonia;

No. 169, A., an act regulating the rights of miners and persons digging for lead ore;

No. 445, A., an act to provide for the disposal and expenditure of the drainage fund moneys in Oconto county;

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No. 521, A., an act to amend an act entitled an act to incorporate the city of Racine, in the county of Racine, approved Aug. 8, 1848, and the several acts amendatory thereof.

The Assembly has passed and asks the concurrence of the Senate in

No. 581, A., a bill for an act to provide for indexing and transcribing the journals of the Assembly;

No. 578, A., a bill for an act for the relief of John Berdin;

No. 655, A., a bill for an act to appropriate to C. V. N. Kittridge the sum of $52 77;

No. 618, A., a bill for an act to authorize the commissioners of school and university lands to purchase certain lands therein named, and to appropriate moneys for the payment for said lands;

No. 656, A., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $62 24.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 284, S., a bill for an act to grant a certain island in the Wisconsin river to Orestes Garrison and H. W. Jackson;

No. 158, S., a bill for an act relating to school, university, swamp and overflowed lands belonging to the State;

No. 269, S., a bill for an act to provide for the issuing a patent of certain lands to Michael Glater;

No. 264, S., a bill for an act to appropriate to Josiah W. Seeley the sum of $36 25;

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

No. 283, S., a bill for an act to appropriate the sum of $5,000 to the State Prison Commissioner;

No. 281, S., a bill for an act to authorize the State Prison Commissioner, to purchase or sell land as therein named;

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane a sum of money therein named, to pay the debts existing against said institution;

No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

No. 343, S., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 494, A., a bill for an act to amend chapter 121, of the Revised Statutes, entitled of the jurisdiction of justices in certain cases and of tde proceedings therein;

No. 590, A., a bill for an act to appropriate to Wm. F. Porter the sum of $73 75;

No. 591, A., a bill for an act to appropriate to E. G. Garner the sum of $50 25;

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No. 566, A., a bill for an act to appropriate a certain sum of money to the committee on Charitable and Religious Societies;

No. 550, A., a bill for an act to require the treasurer of the city of La Crosse to receive school district orders in payment of school tax;

No. 462, A., a bill for an act authorizing the town clerk of the town of Port Wasnington to convey real estate;

No. 142, A., a bill for an act relative to persons mining for lead ore or other minerals;

No. 506, S., a bill for an act to provide for the expenditure of the drainage fund monies in the county of Trempeleau;

No. 182, S., a bill for an act concerning practice and appeals;

No. 381, A., a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled an act to incorporate the village of Waupun;

No. 562, A., a bill for an act entitled an act to define, confirm and legalize the acts of a fish inspector in the city of Milwaukee;

No. 527, A., a bill for an act to appropriate to Francis W. Newland the sum of $422 50;

No. 649, A., a bill for an act to appropriate to Edmund Gibbs, the sum of $85 18;

No. 626, A., a bill for an act to appropriate to R. G. Norton the sum of $26 24;

No. 625, A., a bill for an act to appropriate to Church and Hawley, the sum of $23;

No. 624, A., a bill for an act to appropriate to C. M. Marvin, the sum of $50;

No. 651, A., a bill for an act to appropriate to J. B. Bowen the sum of $26 13.

No. 627, A., a bill for an act to appropriate to Andrew Bishop, the sum of $60;

No. 601, A., a bill for an act to appropriate to Mygatt and Schmitdner, the sum of $200;

No. 650, A., a bill for an act to appropriate to Burt Brett, the sum of $49 75;

No. 570, A., a bill for an act for the relief Loren Peterson;

No. 335, S., a bill for an act to legalize the sale of lands for unpaid taxes in Douglas county;

No. 504, A., a bill for an act to amend the charter of the Milwaukee, Watertown and Baraboo Valley Railroad Company;

No. 572, A., a bill for an act for the preservation of fish in the counties of Manitowoc and Kewaunee;

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No. 141, A., a bill for an act to locate and establish school house cites;

No. 509, A., a bill for an act to amend chapter 22, of the General Laws of 1859, relative to the sale of lannds for unpaid taxes and the conveyance and redemption thereof;

No. 332, A., a bill for an act to protect certain counties, cities, towns and villages;

No. 533, A., a bill for an act relating to the assessment of taxes;

No., 532, A., a bill for an act to lay out a State road from Wausau, to the State line north, and make an appropriation therefor;

No. 40, A., a bill for an act to extend the time of payment of principal upon school and university land certificates;

No. 544, A., a bill for an act to legalize the organization and records of the Lyceum of the city of Green Bay;

No. 545, A., a bill for an an act to authorize the Governor of the State of Wisconsin to seize certain land on Green Island for the use of the State;

No. 269, A., a bill for an act to appropriate to the institution for the education of the deaf and dumb, and the institute for the education of the blind of the State of Wisconsin, certain sums of money therein named;

With the passage recommended.

No. 293, S., a bill for an act to repeal chapter 97, of the Private and Local Laws of 1857, an act to amend chapter 78, of the Private and Local Laws of 1853, entitled an act to incorporate the Watertown and Madison Railroad Company, approved March 17th, 1853;

No. 640, A., a bill for an act to provide for the reassessment of certain taxes in the city of Watertown, for the years 1856, and 1858.

No. 517, A., a bill for an act to provide for the punishment of persons having in their possession, counterfeit coin with intent to pass the same as false;

No. 33, S., a bill for an act to provide for auditing the accounts of Sheriffs, for conveying State prisoners;

No. 368, S., a bill for an act to appropriate to the Saint John's Charity Hospital of the city of Milwaukee a sum of money therein named;

No. 161, S., a bill for an act to authorize a final settlement with the Milwaakee and Rock River Canal Company;

Recommended to lie on the table.

No. 313, S., a bill for an act to provide for indexing the journals of the Legislature;

No. 362, S., a bill for an act amending chapter 87, of the

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General Laws of 1858, entitled an act providing for the organization, enrolling and disciplining of the militia of the State of Wisconsin;

Recommendation of indefinite postponement.

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $150;

No. 383, A. a bill for an act to amend the act entitled an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof, approved February 20th, 1852, and to amend the several acts amendatory thereof;

Without recommendation.

No. 394, A., a bill for an act to provide for the location and for the construction of a portion of the State road from Oshkosh to Green Bay;

No. 458, A., a bill for an act to provide for the redemption of insurance money on homesteads;

No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers;

No. 617, A., a bill for an act to appriate to L. H. D. Crane, the sum of $225;

With amendment, and the recommendation to pass when so amended.

No. 383, A., a bill for an act to amend the act entitled an act to consolidate rnd amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof, approved Feb. 20th, 1852, and to amend the several acts amendatory thereof;

With amendments and the recommendation that the amendment be not adopted.

The bill was reported back without recommendation.

No. 262, S., a bill for an act to amend chapter 20, of the General Laws of 1859, entitled an act to provide for the payment of the clerks of the committee on Claims and Judiciary;

With recommendation of indefinite postponement.

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislatuere for the year 1860;

No. 345, S., a bill for an act to appropriate the sum of $4,000 for the purchase of stationery for the use of the State officers and the Legislature for the ensuing year;

No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

No 340, S., a bill for an act to appropriate a contingent fund to school and university land commissioners.

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And further, that the Assembly has amended, and concurred in as amended,

No. 232, S., a bill for an act to appropriate the sum $5,000 to the State Reform School.

I am further directed to inform you that the Assembly has concurred in the Senate amendment to.

No. 52, A., a bill for an act to authorize Wm. Knowles, his associates or assigns, to build and maintain a dam across the Pecatonica river;

No. 37, A., a bill for an act in relation to the abatement and revivor of suits.

The Assembly refuses to concur in the Senate amendment to

No 212, A., a bill for an act to empower cities, towns and villages, to grant the use of the streets therein to certain railway companies.

I am also directed to present for your signature

No. 301, S., an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

No. 55, S., an act to establish an official State paper.

Which have been signed by the Speaker.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

Nos. 578, 618, 655, 656 and 581, A.;

To general file.

The ayes and noes were called for on the question of concurring in the Assembly amendment to bill

No. 352, S.,

And the amendments were concurred in—ayes 14, noes 10.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Egan, Hotchkiss, Phillips, Seeley, Simpson, Stewart, Washburn and Worthington—14.

Those who voted in the negative were

Senators Curtis, Ferguson, Fratt, Gill, Hilgen, Hutchinson, Masters, Maxon, Rodolf and Taylor—10.

On motion of Senator Hotchkiss,

All rules were suspended in order to place on their passage the bills comprised in the Assembly Message;

All the bills were severally oredred to a third reading and read;

The ayes and noes being required on the passage of bill

No. 618, A.,

The bill was passed—ayes 23, noes 0.

Those who voted in the affirmative were

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Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Egan, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart and Taylor—23.

None voted in the negative.

The ayes and noes being required on the passage of bill

No. 655, A.,

The passage was concurred in—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—26.

None voted in the negative.

The ayes and noes being required on the passage of bill

No. 656, A.,

The passage was concurred in—ayes 26, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Egan, Ferguson, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Rodolf, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—26.

None voted in the negative.

Sen. Washburn moved to commit bill

No. 578, A.,

To the committee on Education, School and University Lands, and

The motion was lost.

On the passage of the bill, the ayes and noes being required,

The passage was concurred in—ayes 20, noes 3.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Masters, Maxon, Phillips, Seeley, Taylor and Worthington—20.

Those who voted in the negative were

Senators Hutchinson, Stewart and Washburn—3.

The ayes and noes being required on the passage of bill

No. 681, A.,

The passage was concurred in—ayes 20, noes 7.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Comstock, Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Phillips, Rodolf, Seeley, Stewart, and Taylor—20.

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Those who voted in the negative were

Senators Burdick, Hanchett, Masters, Simpson, Virgin, Washburn and Worthington—7.

On motion of Sen. Hotchkiss,

The vote by which Assembly amendment to

No 352, S.,

Was concurred in, was reconsidered.

The question recurring on concurring in the said amendment,

The ayes and noes were called for, and

The Senate refused to concur therein—ayes 11, noes 14.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Seeley, Stewart and Worthington—11.

Those who voted in the negative were

Senators Eagan Ferguson, Fratt, Gill Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf, Simpson, Taylor and Thurbur—14.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Sen. Curtis:

J. Res. No. 27, S.,

Resolved, by the Senate, the Assembly concurring, that should the committee on Finance be unable to complete the revision of chapter 167, of the General Laws of 1859, known as the assessment law, as provided by section 2, of Senate bill No. 11, to amend chapter 167, of the General Laws of 1859, before the present Legislature adjourns, the Hon. A. I. Bennett be, and he is hereby authorized to complete the work of said revision, and the Secretary of State is hereby authorized and instructed to audit, and the State Treasurer to pay for the services so rendered as above authorized, at two dollars and fifty cents per day.

The ayes and noes being required,

The resolution was adopted—ayes 21, noes 1.

Those who voted in the affirmative, were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Rodolf, Simpson, Stewart, Taylor and Washburn—21.

Sen. Maxon voted in the negative.

By Sen. A. I. Bennett,

Jt. Res. No. 26, S.;

Resolved, by the Senate, the Assembly concurring, That the

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Secretary of State is hereby authorized and instructed to transmit by mail at the expense of the State, one copy of chapter 167, of the General Laws of 1859, as amended, revised and published in pamphlet form, in accordance with an act passed at the present session, to the President of the Senate, and one copy to each member and officer of the present Legislature; and the said Secretary shall forward to each clerk of the county Board of Supervisors a sufficient number of said copies to furnish one copy to each of said clerks, three copies for the use of the officers of each town, and three copies for the use of the officers in each ward in any city in each of the several counties of this State.

Adopted.

On motion of Senator Hotchkiss,

The Senate took a recess till 3 o'clock this afternoon.

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3 o'clock, P. M.

Senate met.

Lieutenant Governor in the chair.

Roll called and quorum present.

On motion of Senator Maxon,

The Senate proceeded to the passage of those bills which were this morning ordered to a third reading.

The following bills were then read the third time and passed.

The ayes and noes being required on the passage of bill No. 370, S.,

The bill was passed—ayes 13, noes 7.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, Comstock, Curtis, Davis, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon and Simpson—13.

Those who voted in the negative were

Senators G. Bennett, Burdick, Cox, Masters, Phillips, Stewart and Worthington—7.

The ayes and noes being required on the passage of bill No. 651, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss,

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Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 617, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 650, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 591, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 590, A.,

The passage was concurred in—ayes 22, noes 0,

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 627, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Simpson, Seeley, Stewart, Taylor, Washburn and Worthington—22.

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None voted in the negative.

The ayes and noes being required on the passage of bill No. 649, A.,

The passage was concurred—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 527, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 626, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington--22.

None voted in the negative.

The ayes and noes being required on the passege of bill No. 624, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

The ayes and noes being required on the passage of bill No. 625, A.,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

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The ayes and noes being required on the passage of
No. 269, A.,
The passage was concurred in—ayes 23, noes none.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Seeley, Simpson, Stewart, Taylor, Washburn and Worthington—23.
None voted in the negative.
The ayes and noes being required on the passage of
No. 556, A.,
The passage was concurred in—ayes 19, noes 3.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Davis, Ferguson, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Sweat, Taylor, Washburn and Worthington—19.
Those who voted in the negative, were
Senators Curtis, Fratt and Stewart—3.
The ayes and noes being required on the passage of
No. 532, A.,
The passage was concurred in—ayes 22, noes 1.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Phillips, Seeley, Simpson, Stewart, Sweat, Taylor and Worthington—22.
Senator Maxon voted in the negative.
Nos. 182, 294 and 319, S.,
Were severally read a third time and passed.
Nos. 550, 545, 11, 141, 494, 383, 497, 517, 562, 462, 40, 381, 34, 395, 543, 504, 142, 506, 458, 332, 533, 509 and 572, A.,
Were severally read a third time and passed.
The ayes and noes being required on the passage of
No. 570, A.,
The passage was concurred in—ayes 19, noes none.
Those who voted in the affirmative, were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Hilgen, Hutchinson, Masters, Phillips, Seeley, Stewart, Sweat, Taylor and Worthington—19.
None voted in the negative.
On motion of Sen. Gill,
Bill No. 640, A.,
Was taken from the table, and put upon its passage;

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The ayes and noes being required,

The passage was concurred in—ayes 22, noes 0.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Phillips, Simpson, Stewart, Taylor, Washburn and Worthington—22.

None voted in the negative.

On motion of Sen. A. I. Bennett,

The Assembly message was taken up and considered.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the Senate amendment to

No. 452, A., a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad;

Also,

No. 551, A., a bill for an act to lay out a State road from Juneau county to Portage county.

I am also directed to inform you that the Assembly has concurred in the passage of

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company.

And also that the Assembly has amended, and concurred in as amended

No. 358, S., a bill for an act in relation to the terms of the circuit court of Winnebago county;

No. 195, S., a bill for an act to re-annex certain lands to the towns of Wauwatosa, Greenfield, Lake and Milwaukee, in the county of Milwaukee.

I am further directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 629, A., a bill for an act to perfect the Geological survey of the State;

No. 600, A., a bill for an act to amend an act entitled an act to incorporate the Merchants' Mutual Insurance Company, of Milwaukee, and the acts amendatory thereof.

Also, that the Assembly has refused to concur in the passage of

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No. 155, S., a bill for an act to authorize the Secretary of State to purchase additional copies of the sixth and seventh volumes of the Wisconsin Reports.

The Assembly insist upon its amendments to

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled of the State Historical Society;

And asks a committee of conference, and has appointed Messrs. Judd, Munn and Ordway as such committee on part of the Assembly.

I am also directed to inform you that the Assembly concurs in the report of the committee of conference on

No. 291, A., a bill for an act conferring jurisdiction on the county court of Winnebago county.

I am also directed to inform you that the Assembly concurs in the report of the committee of conference on

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15, of the Revised Statutes, entitled of the assessment and collection of taxes.

Also that the Assembly refuses to concur in the Senate amendment to

No. 212, A., a bill for an act to empower cities, towns and villages to grant the use of streets therein to certain railway companies.

And further, that the Assembly adopts the report of the committee on conference on

No. 37, A., a bill for an act in relation to the abatement and revivor of suits.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred:

No. 629, A.,

To the general file.

No. 600, A.,

Referred to Senators Hanchett, Washburn and Gill.

The Senate concurred in the Assembly amendment to

No. 358, S.

Sen. Comstock moved that the Senate recede from its amendment to

No. 211, A.;

The ayes and noes were called for, and

The motion prevailed—ayes 11, noes 10.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, Burdick, Comstock, Curtis, Davis, Ferguson, Hutchinson, Masters, Washburn and Worthington—11.

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Those who voted in the negative, were

Senators G. Bennett, Cox, Eagan, Fratt, Hilgen, Hotchkiss, Maxon, Stewart, Sweat and Taylor—10.

The Senate insisted upon its disagreement to Assembly amendment to

No. 321, S.,

And appointed Senators Stewart and Sweat committee of conference on the part of the Senate.

The Senate concurred in the Assembly amendment to

No. 195, S.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature the following bills which have been signed by the Speaker:

No. 177, S., a bill for an act to establish a highway therein described;

No. 209, S., a bill for an act to amend section 106, of chap. 28, of the Revised Statutes, entitled "of the school and university lands;"

No. 53, S., a bill for an act providing for the enclosing of railroads by fences;

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

No. 29, S., a bill for an act to authorize the Secretary of State to contract for necessary gas furnished for the use of the Capitol and other State institutions, in the city of Madison;

No. 310, S., a bill for an act to appropriate to William Hawley the sum of $42;

I am further directed to inform you that the Assembly has passed the following bills and asks the concurrence of the Senate in the same:

No. 546, A., a bill for an act to repeal sections 12 and 13, of chapter 47, of the General Laws of 1857, entitled an act to change the names of certain persons therein named;

No. 595, A., a bill for an act to vacate certain streets in the village of Sparta;

No. 599, A., a bill for an act to amend section 2, of chapter 118, of the Revised Statutes, entitled of grand and petit jurors;

No. 602, A., a bill for an act to reduce the capital stock of the Bank of Racine, to $25,000;

No. 603, A., a bill for an act to reduce the capital stock of the North Western Bank to $40,000;

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No. 81, A., a bill for an act to extend the time for the payment of mortgages executed to the State.

I am also directed to inform you that the Assembly has concurred in the Senate amendment to

No. 581, A., a bill for an act to provide for indexing and transcribing the journals of the Senate and Assembly.

And further, that the Assembly insists upon its amendment to

No. 352, S., a bill for an act to appropriate the sum of $5,000 to the State Reform School.

And also that the Assembly has concurred in the passage of

No. 256, S., a bill for an act to incorporate the Winslow and Jamestown Railroad company;

No. 317, S., a bill for an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge county, Wis.

ASSEMBLY MESSAGE,

Considered.

Bills read first and second time and referred.

Nos. 546, 595, and 599, A.,

To general file.

Nos. 602, and 603, A.,

To committee on Banks and Banking.

No. 81, A.,

To Judiciary committee.

The question being on receding from its non-concurrence in Assembly amendment to bill

No. 352, S.,

Sen. Maxon moved a call of the Senate, and

The call was sustained.

The roll was called and Senators Ferguson and Rodolf were absent.

The Sergeant-at-Arms proceeded to summon the absentees.

On motion of Sen. Maxon,

Further proceedings under the call were dispensed with.

The question occurring on the Senate's receding from its non-concurrence in the Assembly amendment to said bill,

The ayes and noes were called for, and

The Senate receded—ayes 14, noes 10.

Those who voted in the affirmative were

Messrs. Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Fratt, Phillips, Seeley, Stewart, Washburn and Worthington—14.

Those who voted in the negative were

Senators Eagan, Gill, Hanchett, Hilgen, Hotchkiss, Hutchinson, Masters, Maxon, Rodolf and Simpson—10.

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REPORTS OF COMMITTEES.

The committee on Public Lands report
No. 593, A.,
With a recommendation that it pass.

STEWART, *Ch'n.*

The committee on Judiciary report back
No. 81, A.,
And recommend its passage.

HANCHETT, *Ch'n.*

The committee on Roads, Bridges and Ferries, to whom was referred the following bills:

No. 20, S., a bill for an act to authorize the draining of Bush Lake;

No. 366, S., a bill for an act to provide for condemning the right of way for purposes of roads and internal improvements;

No. 421, A., a bill for an act to provide for the laying out of a State road from the village of Kiel, in Manitowoc county, to the town of Calumet, in Fond du Lac county;

No. 456, —., a bill for an act to authorize commissioners to vacate a certain territorial road in the county of Waukesha;

No. 485, A., a bill for an act relating to repairs of plank and turnpike roads;

No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

Have instructed me to report the same back to the Senate, without any recommendation.

P. B. SIMPSON.

The select committee to whom was referred

No. 600, A., a bill for an act to amend an act entitled "an act to incorporate the Merchants' Mutual Insurance Co. of Milwaukee, and the acts amendatory thereof;"

Have considered the same, and instructed me to report the same back without recommendation, for the reason that they can not agree upon any recommendation.

HANCHETT, *Ch'n.*

The committee on Privileges and Election, to whom was referred

No. 292, S., a bill to prevent the marriages of persons of different color;

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Have considered the same, and report the same to the Senate, and recommend its passage.

MAXON, *Ch'n.*

The joint committee on Enrolled Bills report that on the 30th inst. they presented to the Governor for his approval, the following bills, viz:

No. 29, S., a bill for an act to authorize the Secretary of State to contract for necessary gas furnished for the use of the Capitol, and other State institutions in the city of Madison.

No. 310, S., a bill for an act to appropriate to Wm. Hawley the sum of $42;

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

No. 177, S., a bill for an act to establish a highway therein described;

No. 209, S., a bill for an act to amend section 106, of chap. 28, of the Revised Statutes, entitled "of the school and university lands;"

No. 53, S., a bill for an act providing for the enclosing of railroads by fences.

G. BENNETT, *of Senate,*
C. MILLER, *of Assembly.*

The committee on Roads, Bridges and Ferries, to whom was referred

No. 205, S., a bill for an act to amend chapter 19, of the Revised Statutes, entitled of highways and bridges;

Report the same back and recommend it be laid on the table.

C. G. RODOLF, *Ch'n.*

In response to a resolution of the Senate, the joint committee for Investigation report the names of clerks employed by them during the present session, viz:

S. K. Vaughan, Jacob Law, S. C. Bean, B. B. Spaulding, J. W. Seeley, C. L. Sholes, J. M. Doty, H. L. Ran and J. A. Smith—whole number, 9.

DAVIS, *Ch'n.*

The committee on Incorporations, to whom was referred

Mem. No. 30, S., petition No. 83, S., petition No. 115, S., and remonstrance No. 113, S.;

Hereby report the same back to the Senate and recommend that they severally be laid on the table.

SEELEY, *Ch'n.*

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The Judiciary committee to whom was referred

No. 334, A., a bill for an act for the relief of settlers upon the even sections of Fox and Wisconsin River Improvement Company;

Report the same back with amendment, [and recommend its passage when so amended.

HANCHETT, *Ch'n.*

The committee on Roads, Bridges and Ferries to whom was referred

No. 530, A., a bill for an act to amend chap. 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and to provide for improving the same;"

Also,

No. 557, A., a bill for an act to authorize the laying out of a State road from the Manitowoc river, to the village of Menasha;

Have considered the same, and instructed me to report said bills back to the Senate, without any amendments, and recommend their passage.

P. B. SIMPSON, *Ch'n.*

A majority of the committee on Judiciary to whom was referred

No. 356, S., a bill for an act to amend an act entitled "an act to amend chap. 59, Rev. Statutes;"

Have instructed me to report the same back, and recommend its passage. HANCHETT, *Ch'n.*

The committee on Education, School and University Lands to whom was referred

No. 585, A., a bill for an act to amend chap. 23, of the Rev. Statutes, entitled "of common schools;"

Have had the same under consideration, and report the same back with recommendation that it pass.

Also,

No. 334, A., a bill for an act for the relief of settlers upon the even sections of Fox and Wisconsin River Improvement Company;

Report the same back with the recommendation that it be indefinitely postponed.

HUTCHINSON, *Ch'n.*

No. 334, A.,

Was, on motion of Sen. Washburn,

Referred to the Judiciary committee.

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The committee on Town and County Organization, have considered

No. 539, A., a bill for an act to remove the county seat of Green Lake county;

Have considered the same, and report it back with the accompanying papers, without recommendation.

H. W. CURTIS, *Acting Ch'n.*

The committee on Town and County Organization have considered

No. 513, A., to provide for holding separate election polls in certain cases;

Also,

No. 433, A., to amend chapter 184, of the Revised Statutes, entitled "of the inquests of the dead;"

And recommend their passage.

H. W. CURTIS, *Acting Ch'n.*

The committee on Judiciary to whom was referred

No. 129, A., a bill for an act relating to the Milwaukee county court;

Have considered the same, and instructed me to report the same back, and recommend its passage.

HANCHETT, *Ch'n.*

The committee on Enrolled Bills report that they have examined and find correctly enrolled, the following bills, viz:

No. 35, S., a bill for an act providing for the enclosing of railroads by fences and cattle guards;

No. 350, S., a bill for an act to provide for levying a State tax for the year 1860;

No. 177, S., a bill for an act to establish a highway in the town of Medina;

No. 209, S., a bill for an act to amend section 106, of chapter 28, of the Revised Statutes, entitled of the school and university lands;

No. 310, S., a bill for an act to appropriate to William Hawley the sum of $42;

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

No. 55, S., a bill for an act to establish an official State paper;

No. 29, S., a bill for an act to authorize the Secretary of State to contract for necessary gas furnished for the use of the Capitol, and other State institutions in the city of Madison.

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The committee on Judiciary, to whom was referred

No. 315, S., a bill for an act to amend chapter 134 of Revised Statutes, "of executions, and proceedings supplementary thereto;"

Have instructed me to report the same back, and recommend its passage.

HANCHETT, *Ch'n.*

The joint committee on Enrolled Bills report that, on 30th inst., they presented to the Governor the following bills for his approval, viz:

No. 55, S., a bill for an act to establish an official State paper;

No. 301, S., a bill for an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

No. 12, S., a bill for an act to amend chapter 12, of the Revised Statutes, entitled of notaries public;

No. 254, S., a bill for an act to create the town of Forsy;h, and to amend chapter 330, of the Private and Local Laws of 1857, incorporating the city of Berlin;

No. 32, S., a bill for an act granting certain swamp and overflowed lands to the counties of Crawford, Bad Ax and La Crosse;

No. 323, S., a bill for an act to establish terms of the circuit court in the counties of Crawford and Buffalo, in the Sixth Judicial Circuit.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The committee on Banks and Banking, to whom was referred

No. 573, A., a bill for an act to protect the State against loss by the withdrawal in certain cases of Banking securities deposited with the State Treasurer;

Report the same back without recommendation.

D. WORTHINGTON, *Ch'n.*

The committee on Incorporations, to whom was referred

No. 615, A., a bill for an act to incorporate the village of Englesburg;

And

No. 422, A., a bill for an act to incorporate the village of Wausau;

And

No. 330, S., a bill for an act to repeal an act entitled "an act to amend an act entitled 'an act to incorporate the city of

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LaCrosse, and the the several acts amendatory thereto,' " approved March 14, 1856;

Have had the same under consideration and report the same back without recommendation.

M. W. SEELEY, *Ch'n.*

On motion of Sen. Taylor.

The Senate resolved itself into

THE COMMITTEE OF THE WHOLE,

On the general file;

Sen. Gill in the chair.

After some time spent therein, the committee rose, reported progress and asked leave to sit again.

Leave was granted.

They further reported back the following bills with the several recommendations accompanying the same:

No. 495, A., a bill for an act to cede to the town of Norway, in Racine county, the swamp and overflowed lands in said town;

No. 470, A., a bill for an act to permit the board of supervisors of the several towns in the county of Milwaukee, to lay out and open highways of the width of three rods;

No. 608, A., a bill for an act to incorporate the German Mutual Insurance Company of Milwaukee;

No. 609, A., a bill for an act to amend chapter 90, of Private and Local Laws of 1859, entitled "an act to authorize the Second Ward Cemetery Association, of the city of Milwaukee to sell and convey a certain portion of their land;

No. 150, A., a bill for an act authorizing the supreme court to pronounce final judgment in certain criminal cases;

No. 406, A., a bill for an act to incorporate the Delavan academy;

No. 502, A., a bill for an act requiring publication of notice of proposed special or local legislation;

No. 129, A., a bill for an act relating to the Milwaukee county court;

No. 292, A., a bill for an act to amend sec. 39, of chapter 79, of the Revised Statutes, entitled "of railroads;"

No. 479, A., a bill for an act to revive and modify an act to incorporate the Milwaukee Cemetery Association, of the city of Milwaukee, approved August 16, 1848;

No. 356, S., a bill for an act to amend an act entitled "an act to amend section 59, of chapter 133, of the Revised Statutes, entitled "of cost and fees;"

No. 315, S., a bill for an act to amend chapter 134, of Re-

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vised Statutes, "of executions and proceedings supplementary thereto;"

No. 593, A., a bill for an act to provide for the disposal of the drainage fund in the county of Manitowoc;

No. 585, A., a bill for an act to amend chapter 23, of the Revised Statutes, entitled "of common schools;"

No. 615, A., a bill for an act to incorporate the village of Eaglesburg;

No. 557, A., a bill for an act to authorize the laying out of a State road from the Manitowoc River to the village of Menasha;

No. 530, A., a bill for an act to amend chapter 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and to provide for improving the same;"

No. 513, A., a bill for an act to provide for the holding of of separate election polls in such towns in this State as comprise two or more Assembly districts;

No. 494, A., a bill for an act to amend chap. 184, of the Rev. Statutes entitled of inquests of the dead;

No. 422, A., a bill for an act to incorporate the village of Wausau;

No. 629, A., a bill for an act to perfect the geological survey of the State;

No. 546, A., a bill for an act to repeal sections 12 and 13, of chap. 47, of the General Laws of 1857, entitled an act to change the names of certain persons therein named;

No. 595, A., a bill for an act to vacate certain streets in the village of Sparta;

With the recommendation that they do pass.

No. 48, A., a bill for an act relating to the fire departments in the cities and villages of this State and to amend chapter 190, of the General Laws of 1859, entitled an act to regulate Insurance companies not incorporated by the State of Wisconsin;

Without recommendation.

No. 159, A., a bill for an act relating to public officers and their duties;

No. 599, A., a bill for an act to amend section 2, of chapter 118, of the Revised Statutes, entitled of grand and petit jurors;

No. 221, A., a bill for an act to incorporate religious societies;

No. 539, A., a bill for an act to remove the county seat of Green Lake county;

No. 573, A., a bill for an act to protect the State against

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loss by the withdrawal in certain cases, of banking securities deposited with the State Treasurer;

No. 330, S., a bill for an act to repeal an act entitled an act to amend an act entitled an act to incorporate the city of La Crosse, and the several acts amendatory thereto, approved March 14th, 1856;

With the recommendation of indefinite postponement.

No. 568, A., a bill for an act to facilitate and authorize the formation of a corporation by the purchase of the Milwaukee and Mississippi Railroad Company;

With an amendment, and the recommendation to pass when so amended.

REPORT OF COMMITTEE OF THE WHOLE

Considered.

The amendment to said bill

No. 568, A.;

Was adopted, and the bill as amended ordered to a third reading.

Nos. 159, 599, and 573, A.;

Were indefinitely postponed.

The question occurring on indefinitely postponing bill

No. 330, S.;

The ayes and noes were called for,

And the Senate refused to indefinitely postpone—ayes 11, noes 14.

Those who voted in the affirmative were

Senators Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart and Washburn—11.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Burdick, Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat, Taylor, and Worthington—14.

The question occurring on ordering to a third reading said bill

No. 330, S.,

The ayes and noes were called for, and the

Senate refused to order the bill to a third reading—ayes 10, noes 15.

Those who voted in the affirmative were

Senators Eagan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Rodolf, Simpson, Sweat and Taylor—10.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Phillips, Seeley, Stewart, Washburn and Worthington—15.

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The question occuring on indefinitely postponing
No. 221, A.,
The ayes and noes were called for, and
Senate refused to so order—ayes 5, noes 13.
Those who voted in the affirmative were
Senators Maxon, Phillips, Rodolf, Simpson and Washburn —5.
Those who voted in the negative were
Senators Bartlett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Eagan, Gill, Hutchinson, Masters, Stewart and Worthington—13.
The bill was then ordered to a third reading.
The question occurring on ordering to a third reading
No. 48, A.,
Sen. A. I. Bennett moved to amend the bill by striking out section 2;
Pending which,
Sen. Washburn moved to amend section 2, by striking out the words "including not less than fifty good leather fire buckets;"
And the motion prevailed.
The question occurring on the motion to strike out sec. 2;
Sen. Curtis moved to lay the bill on the table.
The ayes and noes were called for, and
The motion prevailed—ayes 16, noes 10.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, Taylor, Washburn and Worthington—16.
Those who voted in the negative were
Senators Egan, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Simpson and Sweat—10.
The following bills were then severally ordered to a third reading:
Nos. 129, 502, 150, 609, 608, 495, 292, 407, 406, 479, 585, 615, 593, 530, 557, 493, 513, 422, 629, 546, and 595, A., and 356, and 315, S.
Senators Hilgen and Phillips asked leave of absence for the balance of the session;
And leave was granted.
On motion of Sen. Hutchinson,
The vote by which the Senate refused to order to a third reading
No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $100;
The question occurring on ordering the bill to a third reading;

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It was so ordered.

On the passage of the bill,

The ayes and noes were required, and

The bill was passed—ayes 15, noes 8.

Those who voted in the affirmative were

Senators Comstock, Curtis, Davis, Egan, Fratt, Hanchett, Hilgen, Hotckiss, Hutchinson, Maxon, Phillips, Seeley, Simpson, Sweat and Taylor—15.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Stewart, Washburn and Worthington—8.

On motion of Sen. Hutchinson,

The Senate took a recess for one hour.

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8 o'clock, P. M.

Senate met.

Lieut. Governor in the chair.

Roll called and a quorum present.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Chief Clerk thereof.

MR. PRESIDENT :—

I am directed to inform you that the Assembly refuses to concur in the Senate amendment to

No. 617, A., a bill for an act to appropriate to L. H. D. Crane the sum of $225 ;

And asks a committee of conference, and has appointed

Messrs. Bovay, Elmore and Ordway on the part of the Assembly.

And also that the Assembly has concurred in the passage of

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases.

And further, that the Assembly has amended and concurred in as amended

No. 279, S., a bill for an act relating to the discipline of convicts in the State Prison.

I am further directed to inform you that the Assembly has

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passed the following bills, and asks the concurrence of the Senate in the same:

No. 621, A., a bill for an act to provide for the election of directors of the Manitowoc and Mississippi Railroad;

No. 623, A., a bill for an act to authorize the German Bank to reduce its capital.

And also that the Assembly has concurred in the passage of

No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled of actions against the State;

No. 348, S., a bill for an act to prohibit officers and agents of the State from contracting indebtedness against the State;

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled of the publication of legal decisions;

No. 317, S., a bill for an act for the relief of the Frontier Bank, for its removal to Juneau, Dodge county, Wis.

And further that the Assembly has passed, and asks concurrence of the Senate in the passage of

No. 330, A., a bill for an act to amend section 11, of chapter 188, of the Revised Statutes, entitled of the State Prison.

MESSAGE FROM THE ASEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:—

I am directed to present for your signature, the following bills, which have been signed by the Speaker:

No. 281, S., a bill for an act to authorize the State Prison Commissioner to purchase or sell land, as therein specified;

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane a sum of money therein named, to pay the debts against said institution;

No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8.

And also that the Assembly has amended, and concurred in as amended,

No. 252, S., a bill for an act to provide for the payment of the sum of money therein named to Andrew Proudfit (assignee of Calkins & Weeb), being the amount due for the printing of assessment blanks and forms furnished by the Secretary of the State to the several counties of this State, in the year A. D. 1858:

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ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times, and referred:
No. 623, A,
To committee on Banks and Banking.
Nos. 621 and 330, A,
To general file.
Senate concurred in the Assembly amendments to bill
No. 279, S.
The Senate concurred in the first Assembly amendment, and refused to concur in the second amendment to bill
No. 252, S.
Sen. Hotckhiss moved that the Senate recede from its amendment to bill
No. 617, A.;
And the motion was lost.
Sen. Hotchkiss moved a committee of Conference on the part of the Senate;
And the motion prevailed.
The chair appointed Senators Hutchinson and Maxon said committee.

On motion of Sen. Seeley,
The vote by which the Senate indefinitely postponed bill
No. 359, A., a bill for an act to remove the county seat of Green Lake county;
Was re-considered.
The question recurring on the indefinite postponement of the bill;
The Senate refused to indefinitely postpono.
The bill was then ordered to a third reading.
On motion of Sen. Hotchkiss,
The following bills, which were this afternoon ordered to a third reading, were taken up and passed:
Nos. 593, 585, 615, 539, 557, 495, 407, 221, 629, 292, 406, 608, 609, 502, 129, 479, 513, 530, 568, 422, 546, 568, 595, 493, A., and 315 and 366, S.
Sen. Rodolf moved to indefinitely postpone bill
No. 150, A.,
And the motion was lost.
The question ocaurring on the passage of the bill,
The ayes and noes were called for,
And the passage concurred in—ayes 13, noes 6.
Those who voted in the affirmative were
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Ferguson, Masters, Seeley, Simpson and Stewart—13.

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Those who voted in the negative were
Senators Fratt, Gill, Hilgen, Hotchkiss and Rodolf—6.

REPORTS OF COMMITTEES.

The committee to whom was referred the following resolution, viz:

"*Resolved*, That the Joint Standing Committee of Investigation be instructed to inquire into and ascertain by what law the swamp land surveys have been made, during the past year, and the cost of the same; also, how much, if any, more has been audited, as having been paid, to the surveyors, or others engaged in the surveys, than they actually received, the reason for such discrepancy, and who has received the money resulting therefrom."

Have made such examinations, in accordance with the instructions of the resolution, as time and circumstances would permit, and submit the following report:

The swamp land survey has been prosecuted during the years 1858 and 1859, under the provisions of chapter 34, of the General Laws of 1857, and chapter 47 of the General Laws of 1859. By the provisions of the first mentioned act, the Governor was authorized to cause to be surveyed the islands in the Wisconsin and Mississippi rivers, and the unsurveyed lands adjacent to said rivers, belonging to this State, granted by act of Congress approved 28th September, 1850. Under this act the Governor engaged J. B. Whitelaw, J. S. Van Vechten, and Wm. Brisbane, to make these surveys. Mr. Brisbane was engaged in the survey, comparatively, a short time in 1858. Mr. Van Vechten was engaged in the work from March, 1858, till his death, which occurred in the summer of 1859. Mr. Whitelaw has been engaged since February, 1858. The following are copies of agreements between the Governor and Messrs. Whitelaw, and Van Vechten:

STATE OF WISCONSIN, EXECUTIVE OFFICE,
MADISON, February 16, 1858.

HON. D. W. JONES, *Secretary of State:*

SIR:—John B. Whitelaw has been employed to survey the Islands in the Mississippi river within the jurisdiction of this State, and the Islands in the Wisconsin river except directly north of Iowa county, the surveys to be conducted according to the rules adopted by the General Goverment. The surveyor to receive five dollars per day, and all necessary expenses. Payments to be made as fast as portions of the survey are completed, on presentation to the Secretary of State of a certifi-

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cate from the Surveyor General of the acceptance of such survey.

The said Whitelaw is also to examine, ascertain and report particularly the quantity and description of swamp and overflowed land contiguous to said rivers, and their tributaries, in this State.

ALEX. W. RANDALL.

EXECUTIVE DEPARTMENT,
MADISON, June 5, 1858.

HON. D. W. JONES, *Secretary of State:*

SIR:—Jacob Van Vechten has been employed from and since the first day of March last, to survey the Islands in the Wisconsin River, north of the east line of Iowa county, on the river above that line, and also to survey swamp and overflowed lands on and near said river and its tributaries; the surveys to be conducted according to the rules adopted by the General Government; the surveyor to receive five dollars per day, and all necessary expenses; payments to be made as fast as surveys are completed and the proper vouchers and certificats presented. And for survey of Islands, upon presentation of certertificate from the Surveyor General of the acceptance of the survey of such Islands.

ALEX. W. RANDALL.

It will appear from an inspection of the above, that no specific authority was conferred on Messrs. Whitelaw and Van Vechten to employ other surveyors at five dollars per day and all necessary expenses. In the testimony of Whitelaw, herewith submitted, it will be observed that he claims that he had the right to employ other surveyors, at discretion, on the same terms that he had engaged to do the work. Your committee may be wrong in their conclusions, but they submit the papers as they find them, leaving each to judge for himself whether the exercise of such prerogatives was properly exercised or not. Again, it will be noticed by the language of the articles of agreement, that the surveyors were to examine, ascertain, &c., the description of the swamp and overflowed lands contiguous to the Wisconsin and Mississippi rivers and their tributaries in this State, but the surveys have been prosecuted beyond the tributaries of these rivers, as in the counties of Dodge, Fond du Lac, Winnebago, Sheboygan, and others.

The expense of these surveys during the year 1859, is $27,-210 42, as will be seen by appendix herewith submitted marked (A.) Your committee have examined, under oath, several persons who were employed in the survey last year, and find that

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the principal surveyors receipted for five dollars per day for service, and one dollar per day for board and other expenses.—The testimony of Mr. Whitelaw, herewith submitted, marked (B.,) is that he made an agreement with the surveyors which he employed, that he should retain one dollar per day of their wages. In the case of Mr. Brown, who finished the survey in Sauk county, the receipt is for five dollars per day, when he actually received only two, and Mr. Rudd who receipted for two dollars per day, when he actually received four. In the case of Mr. Cronk, whose affidavit is herewith submitted, and who was first employed by Mr. Van Vechten, we find that he received two dollars per day, when the receipt is for five. In regard to board and expenses, the several affidavits to be found in the appendix of this report, show that the surveyors generally kept items paid for board and other expenses for the party under their control respectively, but your committee find none of the itemized accounts among the papers on file in the office of the Secretary of State. In most cases there is a charge of one dollar per day for board. Whitelaw states that these expenses frequently exceeded one dollar per day.

In the appendix to this report will be found all the testimony taken by your committee, and also a statement of each item of the expense which goes to make up the aggregate cost ($27,-210 46,) of the survey for 1859. It would require the labor of months for the committee to complete this examination as required by the terms of the resolution. They therefore ask to be discharged from the further consideration of this subject.

M. M. DAVIS, *Ch'n.*

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A.

1859.	Names and Occupation.	No. of days.		Amount.
Aug. 11 to Nov. 2..	Truman Sears, Surveyor in Adams, Columbia and Waushara counties,...	67 days, at	$5 00 per day,..	$335 00
...do.....do....	Kilbourn J. Archer, Chainman,..do.....do.....do.... ..do.....	62 days, at	1 00 per day,..	62 00
...do.....do....	Jerome E Parker,.....do....do.....do.....do.....do.....	62 days, at	1 00 per day,..	62 00
...do.....do....	Board and expenses for self and men,.....	221 days, at	1 00 per day,..	221 00
				$680 00
.. do.....do....	Edgar Sears, Surveyor, Adams, Columbia and Waushara counties,.....	67 days, at	5 00 per day,..	335 00
...do.....do....	Edwin Huddart, Chainman,....do.....do.....do.....	62 days, at	1 00 per day,..	62 00
...do.....do ...	Horace Neally,.....do.....do.....do.....do.....	62 days, at	1 00 per day,..	62 00
...do.....do....	Expenses of self and men,.....	221 days, at	1 00 per day,..	221 00
				$680 00
Sep. 14 to Nov. 5..	L. P. Drake, Surveyor, Dane county,.....	41 days, at	5 00 per day,..	205 00
...do.....do. ..	A. B. Curtis, Chainman,....do.....	38 days, at	1 00 per day,..	38 00
...do.....do....	N. D. White,....do.....do.....	39 days, at	1 00 per day,..	39 00
...do.....do....	Board and expenses of self and men,.....	139 days, at	0 75 per day,..	104 25
				$386 25
August 8th.....	G. W. Robinson, Surveyor, Chippewa,.....	31 days, at	5 00 per day,..	155 00
.....do.....	C. M. Davis, Chainman,.....do	31 days, at	1 50 per day,..	46 50
.....do.....	G. Sweetzer,....do.....do.....	31 days, at	1 50 per day,..	46 50
.....do.....	F. B. Davis, Cook,.....do.....	31 days, at	1 50 per day,..	46 50
..... do.....	T. G. Treadway, Packer,.....do.....	31 days, at	1 50 per day,..	46 50
.....do.....	F. Bracken,.....do.....do.....	3 days, at	1 50 per day,..	4 50
.....do.....	G. W. Robinson, Board bill,.....			21 70
.....do.....	C. M. Davis, Board bill,.....			19 88

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.... .do.....	G. Sweetzer, Board bill,.....		19 38
.....do.....	F. B. Davis,.....do.....		19 38
.....do.....	T. G. Treadway,..do.....		19 38
.....do.....	J. Bracken,.....do.....		1 88
.....do.....	Team to transport provisions from Eau Claire to Little Menomonee Lake, Town 34, Range 8 West,.....	12 days, at $3.00 per day,..	36 00
.....do.....	Board of Teamster,.....		7 50
.....do.....	Postage and Stationery,.....		85
			$490 95
	Deduct $1 00 per day as per contract with J. B. Whitelaw for contingencies,.....		31 00
			459 95
	Deducted by Auditor,.....		31 75
			$428 20
July 1st,.....	G. W. Robinson, Surveyor, Chippewa county,.....	31 days, at 5 00 per day,..	155 00
.....do.....	C. M. Davis, Chainman,.....	31 days, at 1 50 per day,..	46 50
.....do.... ...	G. Sweetzer,....do.....	31 days, at 1 50 per day,..	46 50
.....do.....	F. B. Davis, Cook,.....	31 days, at 1 50 per day,..	46 50
.....do.....	P. Cordovine, Packer,.....	31 days, at 1 50 per day,..	46 50
.....do.....	David Stevens,..do.....	6 days, at 1 50 per day,..	9 00
.....do.....	J. R. Maloney,.....	3 days, at 1 50 per day,..	4 50
.....do.....	Use of ox-team transport provisions,.....	26 days, at 3 00 per day,..	78 00
.....do.....	G. W. Robinson, Board account,.....		21 70
.....do.....	C. M. Davis, Board account,.....		19 38
.....do.....	G. Sweetzer,.....do.....		19 38
.....do.....	F. B. Davis,.....do.....		19 38
.....do.....	P. Cordovine,.....do.....		19 38
.....do.....	D. Stevens,.....do.....		3 75
.....do.....	J. R. Maloney,....do.....		1 88

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A.—*continued.*

1859	Names and Occupation.	No. of days.	Amount.
July 1st,	Board of Teamster	26 days,	$16 25
..do.	Factory and Painting same, for cover for provisions,		2 65
..do.	Postage and Stationery,		1 43
			557 68
	Deducted by Auditor,		33 25
			524 43
	Deduct $1 per day as per contract with J. B. Whitelaw, for contingencies,		31 00
			$493 43
May 26,	G. W. Robinson, Surveyor, Dunn and Chippewa counties,	58 days, at $5 00 per day,	$290 00
..do.	Edward Thurston, Chainman and Packer, Dunn and Chippewa counties,	52 days, at 1 50 per day,	78 00
..do.	G. Sweetzer, do. do. do.	34 days, at 1 50 per day,	51 00
..do.	C. M. Davis, do. do.	44 days, at 1 50 per day,	66 00
..do.	J. Marygold, do. do.	26 days, at 1 50 per day,	39 00
..do.	Geo. Bevitt, Cook and Packer, do.	21 days, at 1 50 per day,	31 50
..do.	James Harden, Chainman,	8 days, at 1 50 per day,	12 00
..do.	G. W. Robinson, Board Bill,		40 60
..do.	Edward Thurston, do.		32 50
..do.	G. Sweetzer, do.		21 25
..do.	C. M. Davis, do.		27 50
..do.	J. Marygold, do.		16 25
..do.	Geo. Bevitt, do.		13 13
..do.	James Harden, do.		5 00
..do.	Hire of team, taking provisions to Hay River,		5 00
..do.	Hire of team at $12 00, ferry 50 cts., keep team, &c.,	3 days, at 1 85 per day,	14 35
..do.	Postage and Stationery,		2 21
..do.	Ax and Helve and Cooking Utensils,		2 83
..do.	Stage fare from Madison to Portage,		2 00
..do.	Expenses,		1 25
..do.	Railroad fare from Portage to Sparta and expenses,		4 35

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..do	Stage fare from Sparta to Eau Claire,			5 00
..do	Expenses,			2 25
..do	Stage fare from Eau Claire to Menomonee and expenses,			3 25
				766 22
	Deduct $1 per day as per contract with J. B. Whitelaw, for contingencies,			58 00
				$708 22

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November 12th,	G. W. Robinson, per contract with J. B. Whitelaw, to amount paid C. M. Davis more than was allowed on	31 days, at	25 cts. per day,	7 75
On bill of July 1st,	do. G. Sweetzer, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. F. B. Davis, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. P. Cordovine, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. D. Stevens, do. do.	61 days, at	25 cts. per day,	1 50
do.	do. J. R. Maloney, do. do.	3 days, at	25 cts. per day,	75
On bill of Aug. 8th,	do. C. M. Davis, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. G. Sweetzer, do. do.	31 days, at	25 cts per day,	7 75
do.	do. F. B. Davis, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. T. G. Tredway, do. do.	31 days, at	25 cts. per day,	7 75
do.	do. J. Bracken, do. do.	3 days, at	25 cts. per day,	75
On bill of Sept. 7th,	do. G. Sweetzer, do. do.	26 days, at	25 cts. per day,	6 50
do.	do. C. M. Davis, do. do.	8 days, at	25 cts. per day,	2 00
do.	do. F. B. Davis, do. do.	8 days, at	25 cts. per day,	2 00
do.	do. D. Stevens, do. do.	15 days, at	25 cts per day,	3 75
do.	do. G. Pearsons, do. do.	17 days, at	25 cts. per day,	4 25
do.	do. L. S. Seaman, do. do.	17 days, at	25 cts. per day,	4 25
do.	do. A. Marato, do. do.	10 days, at	25 cts. per day,	2 50
On bill of Oct. 20th,	do. C. M. Davis, do. do.	26 days, at	25 cts. per day,	6 50
do.	do. S. Thompson, do. do.	26 days, at	25 cts. per day,	6 50
do.	do. J. L. Sargent, do. do.	26 days, at	25 cts. per day,	6 50
do.	do. B. Le Nior, do. do.	16 days, at	25 cts. per day,	4 00
do.	do. F. B. Davis, do. do.	21 days, at	25 cts. per day,	5 25
				$119 00

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A.—*continued.*

1859.	*Names and Occupation*	*No. of days.*	*Amount.*
Sept. 7....	G. W. Robinson, Surveyor, Chippewa county,	26 days at $5 00 per day,..	$130 00
....do ..	G Sweetzer, Chainman, ...do....	26 days at 1 50 per day,..	39 00
....do....	C. W. Davis, ...do.... ....do....	8 days at 1 50 per day,..	12 00
....do....	F. B. Davis, Cook, ...do....	8 days at 1 50 per day,..	12 00
....do....	D. Stevens, Packer, ...do....	15 days at 1 50 per day,..	22 50
....do....	G. Pearsons, Chainman, ...do....	17 days at 1 50 per day,..	25 50
....do....	L. S. Seaman, Cook, ...do....	17 days at 1 50 per day,..	25 50
....do....	L. Marrato, Packer, ...do....	10 days at 1 50 per day,..	15 00
....do....	Paid for team and driver to transport provisions, ...	17 days at 3 00 per day,..	51 00
....do....	Paid Indian for hire of canoe and packing, &c., ...		8 00
....do....	G. W. Robinson, Board bill, ...		18 20
....do....	G. Swutzer, ...do....		16 25
....do....	C. M. Davis, ...do....		5 00
....do. ..	F. B. Davis, ...do....		5 00
....do. ..	D. Stevens, ...do....		9 88
... do....	G. Pearsons, ...do....		10 63
....do....	L. S. Seamann, ...do....		10 63
... do....	L. Marrato, ...do....		6 25
....do....	Teamster, ...do....		10 63
....do....	Indians, ...		2 50
....do....	Drilling for tent, $5,63, cord and making, $3,25, ...		8 88
....do....	Postage and stationery, ...		0 97
			$444 82
	Deduct $1,00 per day, as per contract with J. B. Whitelaw, for contingencies, ...		26 00
			$418 82
	Deducted by auditor, ...		25 25
			$393 57

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Aug. 24,	Robert Shields, Surveyor, Trempeleau county,	27 days at $5 00 per day,	$135 00
....do....	John McGie, Axe and Flag man,	27 days at 1 00 per day,	27 00
....do....	John Hunt, Chainman,	27 days at 1 00 per day,	27 00
....do....	Angus McDonell, Chainman,	27 days at 1 00 per day,	27 00
....do....	Board of self and men 124 days, at $1 per day,		124 00
			$340 00

Aug. 20,	Albert J. Treadway, Surveyor, Trempeleau county,	21 days at $5 00 per day,	$105 00
....do....	J. P. Moore, Axe and Flag man, ...do....	4 days at 1 00 per day,	4 00
....do....	Colin Campbell, Chainman, ...do....	20 days at 1 00 per day,	20 00
....do....	Geo. Stocking, ...do.... ....do....	21 days at 1 00 per day,	21 00
....do....	Charles Ford, Axe and Flag man, ...do....	17 days at 1 00 per day,	17 00
....do....	Board of self and men 124 days, at $1 per day,		124 00
			$291 00

Sept. 23,	J. B. Whitelaw, expenses from La Crosse to Kilbourn,		3 35
Oct. 6,	....do.... ....do....	Kilbourn to Madison and back, 6 days,	14 00
Oct. 20,	....do.... ....do....	Kilbourn to Dubuque and back, 6 days,	20 00
Oct. 22,	....do.... ....do....	Kilbourn to Tomah and back, 2 days,	4 00
Nov. 2,	....do.... ....do....	Kilbourn to Menasha and back, 6 days,	19 85
Nov. 2,	....do....	cash paid Register of Land Office, Menasha,	25 00
Nov. 5,	....do....	expenses from Kilbourn to Madison, 1 day,	1 50
....do....	....do....	cash paid C. W. Cook, 37 days writing, at $2 50 per day,	92 50
....do....	....do....	cash paid A. J. Treadway, 39 days writing, at $2 50 per day,	97 50
....do....	....do....	board of Treadway and Cook, 90 days at $1 per day,	90 00
....do....	....do....	41 days service of self surveying, at $5 per day,	205 00
....do....	....do....	23 days board of self at $1 per day,	23 00
....do....	....do....	team, two horses and wagon 35 days at $1 50 per day,	52 50
....do....	....do....	expenses of team 41 days at 75 cts. per day,	30 75
			$678 95

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A.—*continued.*

1859.	*Names and Occupation*	*No. of days.*	*Amount.*
Sept. 7	G. W. Robinson, Surveyor, Chippewa county,	26 days at $5 00 per day,	$130 00
do	G Sweetzer, Chainman, do	26 days at 1 50 per day,	39 00
do	C. W. Davis, do do	8 days at 1 50 per day,	12 00
do	F. B. Davis, Cook, do	8 days at 1 50 per day,	12 00
do	D. Stevens, Packer, do	15 days at 1 50 per day,	22 50
do	G. Pearsons, Chainman, do	17 days at 1 50 per day,	25 50
do	L. S. Seaman, Cook, do	17 days at 1 50 per day,	25 50
do	L. Marrato, Packer, do	10 days at 1 50 per day,	15 00
do	Paid for team and driver to transport provisions,	17 days at 3 00 per day,	51 00
do	Paid Indian for hire of canoe and packing, &c.,		8 00
do	G. W. Robinson, Board bill,		18 20
do	G. Swutzer, do		16 25
do	C. M. Davis, do		5 00
do	F. B. Davis, do		5 00
do	D. Stevens, do		9 88
do	G. Pearsons, do		10 63
do	L. S. Seamann, do		10 63
do	L. Marrato, do		6 25
do	Teamster, do		10 63
do	Indians,		2 50
do	Drilling for tent, $5,63, cord and making, $3,25,		8 88
do	Postage and stationery,		0 97
			$444 82
	Deduct $1,00 per day, as per contract with J. B. Whitelaw, for contingencies,		26 00
			$418 82
	Deducted by auditor,		25 25
			$393 57

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Aug. 24,	Robert Shields, Surveyor, Trempeleau county,	27 days at $5 00 per day,	$135 00
....do....	John McGie, Axe and Flag man,	27 days at 1 00 per day,	27 00
....do....	John Hunt, Chainman,	27 days at 1 00 per day,	27 00
....do....	Angus McDonell, Chainman,	27 days at 1 00 per day,	27 00
....do....	Board of self and men 124 days, at $1 per day,		124 00
			$340 00

Aug. 20,	Albert J. Treadway, Surveyor, Trempeleau county,	21 days at $5 00 per day,	$105 00
....do....	J. P. Moore, Axe and Flag man, do	4 days at 1 00 per day,	4 00
....do....	Colin Campbell, Chainman, do	20 days at 1 00 per day,	20 00
....do....	Geo. Stocking, do do	21 days at 1 00 per day,	21 00
....do....	Charles Ford, Axe and Flag man, do	17 days at 1 00 per day,	17 00
....do....	Board of self and men 124 days, at $1 per day,		124 00
			$291 00

Sept. 23,	J. B. Whitelaw, expenses from La Crosse to Kilbourn,	3 35
Oct. 6,	do do Kilbourn to Madison and back, 6 days,	14 00
Oct. 20,	do do Kilbourn to Dubuque and back, 6 days,	20 00
Oct. 22,	do do Kilbourn to Tomah and back, 2 days,	4 00
Nov. 2,	do do Kilbourn to Menasha and back, 6 days,	19 85
Nov. 2,	do cash paid Register of Land Office, Menasha,	25 00
Nov. 5,	do expenses from Kilbourn to Madison, 1 day,	1 50
....do....	do cash paid C. W. Cook, 37 days writing, at $2 50 per day,	92 50
....do....	do cash paid A. J. Treadway, 39 days writing, at $2 50 per day,	97 50
....do....	do board of Treadway and Cook, 90 days at $1 per day,	90 00
....do....	do 41 days service of self surveying, at $5 per day,	205 00
....do....	do 23 days board of self at $1 per day,	23 00
....do....	do team, two horses and wagon 35 days at $1 50 per day,	52 50
....do....	do expenses of team 41 days at 75 cts. per day,	30 75
		$678 95

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
Nov. 16	G. W. Robinson, Chippewa,	5 days at $5 00 per day,	$25 00
....do	do ....do	7 days, at 5 00 per day,	35 00
....do	do ....do....Railroad fare to Kilbourn and back,		1 80
....do	do ....do....fare to Madison by stage,		2 00
....do	do....12 days board and expenses,	at $1 00 per day,	12 00
			75 80
	Deduct $1 per day, as per contract with J. B. Whitelaw, for contingencies,		12 00
			$63 80
Aug. 11	L. S. Van Vliet, LaCrosse,	46 days, at $4 00 per day,	$184 00
....do	do. ....do....railroad fare from La Crosse to Stevens Pt. and return		11 25
....do	do....do....cash paid clerk and register, at Stevens' Point,		8 25
....do	do....do....board,	50 days, at $1 00 per day,	50 00
			$253 50
Aug. 11	E. O. Rudd, examining records and copying notes of swamp & overflowed lands,	14 days, at $3 00 per day,	$42 00
....do	do....19 days board,	at 1 00 per day,	19 00
			$61 00
	Charles A. Cox, surveyor of Jackson, Trempeleau, and Buffalo,	27 days, at $3 50 per day,	$94 50
	do....two horses and wagon,	27 days, at 1 50 per day,	40 50
	do....board for self,	31 days, at 1 00 per day,	31 00
	do....expense for team,	31 days, at 1 00 per day,	31 00
			$197 00
Aug. 26	W. W. Dimock, Surveyor, Monroe,	27 days, at $5 00 per day,	$135 00
....do	Wm. Cunningham, Axe and Flagman,	27 days, at 1 00 per day,	27 00

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....do.....A. Smith, chainman,,.....	26 days, at 1 00 per day,....	26 00	
....do.....W. Pemberton, do.....	16 days, at 1 00 per day,....	16 00	
....do.....board of self and men,.....	114 days, at 1 00 per day,....	114 00	
		$318 00	
Aug. 26....J. W. Blanding, Surveyor, Monroe,.....	27 days, at $5 00 per day,....	$135 00	
....do.....P. Hanscom, Ax and Flagman,.....	24 days, at 1 00 per day,....	24 00	
....do.....Silas West, Chainman,.....	21 days, at 1 00 per day,....	21 00	
....do. ...Martin Cleary, do.....	26 days, at 1 00 per day,....	26 00	
....do....board of self and men,.....	124 days, at 1 00 per day, ...	124 00	
		$330 00	
Aug. 26....L. Amiden, Surveyor, Monroe,.....	24½ days, at $5 00 per day,....	$122 50	
....do.....G. W. Stoner, Ax and Flagman, Monroe,.....	25 days, at 1 00 per day,....	25 00	
....do.....W. Gilkey, Chainman,.....	25 days, at 1 00 per day,....	25 00	
....do.....L. Ordway,..do.....	24½ days, at 1 00 per day,....	24 50	
....do.....board of self and men,.....	124 days, at 4 00 per day,....	124 00	
		$321 00	
July 23 to Aug. 19.... J. B. Whitelaw, bill of expenses for self and men,.....		$266 45	
Sept. 27... S. J. Brown and E. O. Rudd, Sauk,.....	17 days, at $5 00 per day,....	$85 00	
....do.....E. O. Rudd, Assistant Surveyor,.....	34 days, at 2 00 per day,....	68 00	
board and expenses,.....	59 days, at 1 00 per day,....	59 00	
		$212 00	
Nov. 2,....L. S. Van Vliet, Sauk,.....	36 days, at $5 00 per day,....	$180 00	
....do.....board and expenses,.....	44 days, at 1 00 per day,....	44 00	
		$224 00	

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*			*Amount.*
September 10th....	W. W. Dimock, Surveyor, Jackson county,	17½	days, at	$5 00 per day,	$87 50
.....do.....	W. Cunningham, Flagman,	4	days, at	1 00 per day,	4 00
.....do.....	A. Smith, Chainman,	17½	days, at	1 00 per day,	17 50
..... do.	W. Pemberton, .do	17½	days, at	1 00 per day,	17 50
.....do.....	Board of self and men	71	days, at	1 00 per day,	71 00
					$197 50
September 12th....	J. W. Blanding, Surveyor, Jackson county,	21	days, at	5 00 per day,	105 00
.....do.....	J. Hanscom, Flagman,	19	days, at	1 00 per day,	19 00
.....do.....	M. Clancy, Chainman,	19	days, at	1 00 per day,	19 00
.....do.....	Stiles M. West, .do	19	days, at	1 00 per day,	19 00
.....do.....	Board of self and men,	96	days, at	1 00 per day,	96 00
					$258 00
September 10th ...	L. E. Amidon, Surveyor, Jackson county,	16	days, at	5 00 per day,	80 00
.....do.....	G. W. Stoner, Flagman,	16	days, at	1 00 per day,	16 00
.....do.....	W. F. Gilkey, Chainman,	16	days, at	1 00 per day,	16 00
.....do.....	L. Ordway, ...do	16	days, at	1 00 per day,	16 00
.....do.....	Board, &c	88	days, at	1 00 per day,	88 00
					$216 00
September 14th....	Robert Sheills, Surveyor, Trempeleau,	21	days, at	5 00 per day,	105 00
.....do.....	—— Piersons, Flagman	16	days, at	1 00 per day,	16 00
.... do.....	A. McDonnell, Chainman,	21	days, at	1 00 per day,	21 00
.....do.....	John Hunt, ...do	21	days, at	1 00 per day,	21 00
.....do.....	Board, &c.,	98	days, at	1 00 per day,	98 00
					$261 00

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September 19th	A. J. Treadway, Surveyor, Buffalo county,	18 days, at $5 00 per day,	$90 00
do	Geo. Stocking, Flagman,	14 days, at 1 00 per day,	14 00
do	C H. Ford, Chainman,	17 days, at 1 00 per day,	17 00
do	Colin Campbell, do	16 days, at 1 00 per day,	16 00
do	Board of self and men,	75 days, at 1 00 per day,	75 00
			$212 00
June 19th	E. D. Campbell,	15 days, at 3 00 per day,	45 00
September 15th	Chas. A. Cox, Surveyor, Jackson, Buffalo and Trempeleau counties,	23 days, at 3 50 per day,	80 50
do	2 Horses and Wagon,	23 days, at 1 50 per day,	34 50
do	Board for self,	27 days, at 1 00 per day,	27 00
do	Expenses for team,	27 days, at 1 00 per day,	27 00
			$169 00
September 19th	John B. Whitelaw, cash for postage stamps		1 00
August 30th,	Steamboat and Railroad fare to Madison,		5 85
September 30th	From Madison to La Crosse,		5 85
September 19th	Paid for use of boat for Treadway & Co.,	4 days	5 75
do	Paid C. W. Cook, writing,	23 days, at 2 50 per day,	57 50
do	Paid board of C. W. Cook,	31 days, at 1 00 per day,	31 00
do	Service of self and Surveyor,	26 days, at 5 00 per day,	130 00
do	Board of self,	31 days, at 1 00 per day,	31 00
			$267 95
June 19th	J. W Blanding, Surveyor, Monroe,	26 days, at 5 00 per day,	130 00
do	Ralph Carver, Ax and Flagman,	26 days, at 1 00 per day,	26 00
do	Martin Clary, Chainman,	26 days, at 1 00 per day,	26 00
do	Stiles West do	26 days, at 1 00 per day,	26 00
do	Board for self and 3 men,	120 days, at 1 00 per day,	120 00
			$328 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
June 19,..	Walter W. Dimock, Surveyor, La Crosse and Monroe counties,	21 days at $5 00 per day,..	$105 00
....do....	L. G. Miller, Chainman, ...do....	21 days at 1 00 per day,..	21 00
....do....	A. J. Smith....do.... ..do....	21 days at 1 00 per day,..	21 00
....do....	W. Cunningham, Axe and Flag man, ...do....	21 days at 1 00 per day,..	21 00
....do....	Board for self and 3 men,	120 days at 1 00 per day,..	120 00
			$288 00
June 19,..	A. J. Treadway, Surveyor, La Crosse and Trempeleau counties,	25 days at $5 00 per day,..	$125 00
....do....	Colin Campbell, Chainman,.... ....do....	24 days at 1 00 per day,..	24 00
....do....	Israel Shepard,.....do.....do....	24½ days at 1 00 per day,..	24 50
....do....	Phineas M. Hanscom, Axe and Flag man, La Crosse and Trempeleau counties,..	24½ days at 1 00 per day,..	24 50
....do....	John P. Moore, Boatman,....do....	19 days at 1 00 per day,..	19 00
....do....	Board of self and 4 men,	155 days at 1 00 per day,..	155 00
			$370 00
June 18,..	Robert Shields, Surveyor, La Crosse and Monroe counties,	15 days at $5 00 per day,..	$75 00
....do ..	A. McDonell, Chainman,....do....	15 days at 1 00 per day,..	15 00
....do...	John Hunt,.....do....do....	15 days at 1 00 per day,..	15 00
....do....	John McGie, Axe and Flag man, ...do....	15 days at 1 00 per day,..	15 00
....do....	Board of self and 3 men,	72 days at 1 00 per day,..	72 00
			$192 00
June 19,..	E. D. Campbell, examining plats,	15 days at $8 00 per day,..	$14 00
....do....	....do..... making and furnishing plats,	108 plats at 1 25 each, ...	135 00
			$180 00
June 19,..	Charles H. Cox, ... La Crosse and Monroe counties,	26 days at $3 00 per day,..	$78 00
... do....	Board of self,	31 days at 1 00 per day,..	31 00

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June 19,..2 horses and wagon,	21 days at 2 50 per day,..	52 00
....do....Expenses of team,	31 days at 1 00 per day,..	31 00
....do ...Paid D. M. West for extra team on Kickapoo,	14 days and expenses,.....	42 00
		$234 50
June 19,..John B. Whitelaw, bill of expenses from May 20, 1859, to June 19, 1859,		$249 05
		$249 05
June 19,..L. S. Van Vleit and E. O. Rudd—		
....do.....L. S. Van Vleit, examining records,	12 days at $3 00 per day,..	$36 00
....do.....do..... expense from Racine to Newport and La Crosse,		10 20
....do.....do..... board,	14 days at $1 00 per day,..	14 00
....do.....E. O. Rudd, examining records,	12 days at 3 00 per day,..	36 00
....do.....do.... expenses to Madison and back to Newport and La Crosse,		21 25
....do....Board,	6 days at $1 00 per day,..	6 00
		$123 45
.....John B. Whitelaw, bill of expenses from March 8, to April 19, inclusive,		$288 05
		$28 805
April 16,..A. J. Treadway, Surveyor, Grant county,	18 days at $5 00 per day,..	$90 00
....do....Board of self and 3 men, ...do	72 days at 1 00 per day,..	72 00
....do....Israel F. Shepard, Chainman, ...do	18 days at 1 00 per day,..	18 00
....do....Wm. M. Parish,.....do.....do	18 days at 1 00 per day,..	18 00
....do....John P. Moore, Axe and Flag man, Grant county,	18 days at 1 00 per day,..	18 00
		$216 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
April 19th,	J. W. Blanding, Surveyor, Richland county,	16 days, at $5 00 per day,	$80 00
....do	R. Carver, Chainman,	16 days, at 1 00 per day,	16 00
....do	G. T. McSherry,	17 days, at 1 00 per day,	17 00
....do	Martin Cleary, Flagman, &c.,	16 days, at 1 00 per day,	16 00
....do	Board of self and three men,	82 days, at 1 00 per day,	82 00
			$211 00
April 19th,	W. W. Dimock, Surveyor, Iowa and Richland counties,	15½ days, at $5 00 per day,	77 50
....do	For board of self and three men,	84 days, at 1 00 per day,	84 00
....do	L. G. Miller, Chainman,	14½ days, at 1 00 per day,	14 50
....do	A. S. Smith, ...do	14½ days, at 1 00 per day,	14 50
....do	Wm. Cunningham, Axe man,	14½ days, at 1 00 per day,	14 50
....do	Ferrying across Wisconsin at Muscoda,		4 00
			209 00
....do	Chas. H. Fox, Surveyor, Iowa, Grant and Richland counties,	26 days, at $3 00 per day,	78 00
....do	Two horses and wagon,	19 days, at 2 50 per day,	47 50
....do	Expenses paid for team,	26 days, at 1 00 per day,	26 00
			151 50
August 9th,	R. Cronk, Surveyor, Marquette county,	60 days, at $5 00 per day,	300 00
....do	W. T. Leonard, Chainman,	50 days, at 1 00 per day,	60 00
....do	H. D. Lemonyan, ...do	41 days, at 1 00 per day,	41 00
....do	J. H. Moulton,	19 days, at 1 00 per day,	19 00
....do	Board of self and man,	210 days, at 1 00 per day,	210 00
			630 00

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August 4th,	M. N. Randall, Surveyor, Dodge county,	43 days, at $5 00 per day,	$215 00
....do	J. K. Lillie, Chainman,	41 days, at 1 00 per day,	41 00
...do	J. H. Moulton, ..do	33 days, at 1 00 per day,	33 00
....do	H. D. Lemonyan,	8 days, at 1 00 per day,	8 00
....do	Board of self and man,	145 days, at 1 00 per day,	145 00
			442 00
August 19th,	E. Norris, Surveyor, Winnebago county,	60 days, at $5 00 per day,	300 00
...do	Carlos Brainard, Chainman,	56 days, at 1 00 per day,	56 00
....do	Austin Snell, ...do	56 days, at 1 00 per day,	56 00
....do	Board of self and man,	194 days, at 1 00 per day,	194 00
			606 00
August 11th,	E. Sears, Surveyor, Sheboygan county,	52 days, at $5 00 per day,	260 00
....do	Kilbourn Archer, Chainman,	52 days, at 1 00 per day,	52 00
....do	Edward Haddart, ...do	52 days, at 1 00 per day,	52 00
....do	Board of self and man,	186 days, at 1 00 per day,	186 00
			550 00
August 11th,	T. Sears, Surveyor, Sheboygan county,	62 days, at $5 00 per day,	310 00
....do	Jerome Parker, Chainman,	62 days, at 1 00 per day,	62 00
....do	Horace Nealley, ... do	62 days, at 1 00 per day,	62 00
....do	Board of self and man,	216 days, at 1 00 per day,	216 00
			650 00
August 1st,	E. Sargent, Surveyor, Fond du Lac county,	44 days, at $5 00 per day,	222 00
....do	Delos Secor, Chainman,	40 days, at 1 00 per day,	40 00
....do	John Boylan, ...do	40 days, at 1 00 per day,	40 00
....do	Board of self and men,	156 days, at 1 00 per day,	156 00
			$456 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
August 9th....	John Woodlock, Surveyor, Juneau county,.....	57 days, at $5 00 per day,..	$285 00
..do.....	Jacob Vaughan, Chainman,.....	53 days, at 1 00 per day,..	53 00
....do.....	Joel Ketchum,.....do.....	53 days, at 1 00 per day,..	53 00
...do.....	Board of self and men,.....	195 days, at 1 00 per day,..	195 00
			$586 00
....do.....	Y. N. Bebee, Surveyor, Juneau county,.....	57 days, at 5 00 per day,..	285 00
....do.....	A. D. Van Vechten, Chainman,.....	52 days, at 1 00 per day,..	53 00
...do.....	E. Sage,.....do.....	53 days, at 1 00 per day,..	53 00
....do.....	Board of self and men, ...	195 days, at 1 00 per day,..	159 00
			$586 00
August 1st....	John Williams, Surveyor, Washington county, ...	22 days, at 5 00 per day,..	$110 00
....do.....	W. A. Mann, Chainman,.....	22 days, at 1 00 per day,..	22 00
....do.....	John Price,..... do..	22 days, at 1 00 per day,..	22 00
....do.....	Board of self and men,.....	78 days, at 1 00 per day,..	78 00
			$232 00
November 23d..	To John B. Whitelaw,		
....do.....	Expense of self and Dr. Cook from Madison to Kilbourn City,....		7 00
....do.....	Cash sent Register at Stevens Point,.....		6 80
....do.....	Railroad fare from Kilbourn to La Crosse and back,.....		6 10
....do.....	do.....do.....to Milwaukee....do.....		7 80
....do.....	do.....do.....to Tomah.....do.		3 60
....do.....	Exp. self, Treadway, V. Vliet and Cook from Kilbourn to Madison,.....		11 50
....do.....	Cash paid Register Menasha Land office,..		3 00
....do.....	Cash paid C. W. Cook, for writing,.....	42 days, at 2 50 per day,..	105 00
....do.....	Cash paid A. J. Treadway, for writing,.....	43 days, at 2 50 per day,..	107 50
....do.....	Services of self as Surveyor,.....	31 days, at 5 00 per day,..	155 00
...do.....	Cash paid J. W. Stoner, for writing,.....	24 days, at 2 50 per day,..	60 00

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....do.....	.....Board of G. W. Stoner,.....	24 days, at 1 00 per day,..	24 00
....do.....	.....Board of self, Treadway and Cook,.....	139 days, at 1 00 per day,..	139 00
....do.....	.....2 horses and Wagon,.....	27 days, at 1 50 per day,..	39 00
....do.....	.....Expense of team.....	33 days, at 0 75 per day,..	24 75
			$700 05
....do.....	.....L. S. Van Vliet, Surveyor, Dane county,.....	46 days, at 5 00 per day,..	230 00
December 31st.	Exp. of self and Treadway, with team from Madison to Kilbourn,.....		4 15
November 25th.	R. R., steamboat and stage fare from Kilb'n to Hudson, Eau Claire and back,.....		25 00
December 2d...	Cash paid Register at Eau Claire Land office,.....		9 00
December 31st.	Board of self, from Nov. 2d to Dec. 31st,.....	52 days, at 1 00 per day,..	52 00
			$320 15
October 15th,..	M. A. Randall, Surveyor, Juneau county,.....	4 days, at 5 00 per day,..	20 00
....do.....	E. O. Rudd, Ass't..do.....do.....	4 days, at 2 00 per day,..	8 00
....do.....	Board,.....	10 days, at 1 00 per day,..	10 00
			$38 00
December 31st.	Edgar Searle, Surveyor, Columbia and Waushara county.....	13 days, at 5 00 per day,..	65 00
....do.....	Truman Sears,....do .....do.....do.....	13 days, at 5 00 per day,..	65 00
....do.....	Board,.....	30 days, at 1 00 per day,..	30 00
			$160 00
December 24th.	L. P. Drake, Surveyor, Dane county,.....	25 days, at 5 00 per day,..	125 00
....do.....	A. B. Curtis, Chainman,.....	23 days, at 1 00 per day,..	23 00
....do.....	Nelson D. White...do.....	23 days, at 1 00 per day,..	23 00
....do.....	Board of self and men,.....	83 days, at 0 76 per day,..	58 10
			$229 10

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A.—*continued.*

1859.	*ames and Occupation*	*No. of Days.*	*Amount.*
Dec. 14	R. Cronk, Surveyor, Marquette county,	41 days, at $5 00 per day,	$205 00
....do	Amos Barrows, Chainman,	35 days, at 1 00 per day,	35 00
....do	W. T. Leonard, ...do	41 days, at 1 00 per day,	41 00
....do	137 days board,	at 1 00 per day,	137 00
			$418 00
May 19	J. W. Blanding, Surveyor, Richland and Bad Ax counties,	26 days, at $5 00 per day,	$130 00
....do	Ralph Carver, Axeman,	26 days, at 1 00 per day,	26 00
....do	George T. McSherry, Chainman,	26 days, at 1 00 per day,	26 00
....do	Martin Cleary, ...do	26 days, at 1 00 per day,	26 00
....do	120 days board of self and men,	at 1 00 per day,	120 00
			$328 00
May 19	W. W. Dimock, Surveyor, La Crosse county,	26 days, at $5 00 per day,	$130 60
....do	L. J. Miller, Chainman,	23 days, at 1 00 per day,	23 00
....do	A. J. Smith, ...do	22 days, at 1 00 per day,	22 00
....do	W. Cunningham, Axeman,	20 days, at 1 00 per day,	20 00
....do	for board for self and men,	120 days, at 1 00 per day,	120 00
			$315 00
May 19	A. J. Treadway, Surveyor, Grant, Bad Ax and La Crosse counties,	28 days, at $5 00 per day,	$140 00
....do	Israel Shepard, Chainman,	25 days, at 1 00 per day,	25 00
....do	Wm. H. Parish, Axe and Flagman,	13 days, at 1 00 per day,	13 00
....do	Colin Campbell, Chainman,	19 days, at 1 00 per day,	19 00
....do	John P. Moore, Axe and Chainman,	4 days, at 1 00 per day,	4 00
....do	Phineas M. Hascomb, Axe and Flagman,	2 days, at 1 00 per day,	2 00
....do	board of self and men,	113 days, at 1 00 per day,	113 00
			$316 00

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May 19....	Charles H. Cox, Surveyor, Grant, Iowa, Richland, et al.	26 days, at $3 00 per day,....	$78 00
....do.....	board for self.	30 days, at 1 00 per day,....	30 00
....do.....	two horses and wagon,	20 days, at 2 50 per day,....	50 00
....do.....	expenses paid for team,	30 days, at 1 00 per day,....	30 00
			$188 00
May 17th..	E. D. Campbell, making plats up to and including town 16, north, 37 plats, 10s...		$46 25
....do.....	10 days to date, examining plats, &c., $3 per day		30 00
			$76 00
May 23....	J. B. Whitelaw, for labor and expenses to date,		$199 25
Sept. 20 ...	E. Sargent, Surveyor, Fond du Lac county,	30 days, at $5 00 per day,....	$150 00
....do.. ..	Delos Secor, Chainman,	30 days, at 1 00 per day,...	30 00
....do.....	John W. Boylan, do.	30 days, at 1 00 per day,....	30 00
	board for self and men	30 days, at 1 00 per day,....	102 00
			$312 00
Sept. 20..	Ransler Cronk, Surveyor, Marquette county,	32 days, at $5 00 per day,....	$160 00
....do.....	H. D. Lemmyan, Chainman,	32 days, at 1 00 per day,....	32 00
. .do....	W. T. Leonard, ...do.	32 days, at 1 00 per day,....	32 00
	board for self and men, from August 11th to Sept. 20th, 1859,	117 days, at 1 00 per day,....	117 00
			$341 00
Sept. 20 ...	M. N. Randall, Surveyor, Dodge county,	31 days, at $5 00 per day,....	$155 00
....do.....	J. K. Lillie, Chainman,	31 days, at 1 00 per day,....	31 00
	board for self and men from Aug. 11, to Sept. 20, 1859,	78 days, at 1 00 per day,....	78 00
			$264 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
September 19th,	Y. V. Beebe, Surveyor, Juneau county,	29 days, at $5 00 per day,	$145 00
....do	Robt. Van Vechten, Chainman,	27 days, at 1 00 per day,	27 00
....do	Wm. C. Vasler, ...do	27 days, at 1 00 per day,	27 00
....do	Board for self and men, from Aug, 16, to Sept. 19, 1859,	105 days, at 1 00 per day,	105 00
			304 00
September 19th,	A. D. Van Vechteen, Surveyor, Juneau county,	29 days, at $5 00 per day,	145 00
... do	William Murray, Chainman;	27 days, at 1 00 per day,	27 00
....do	Wm. P. Johnson, ...do	27 days, at 1 00 per day,	27 00
....do	Board for self and men, from Aug. 15, to Sept. 20, 1859,	105 days, at 1 00 per day,	105 00
			304 00
September 15th,	John Woodlock, Surveyor, Juneau county,	13 days, at $5 00 per day,	65 00
....do	Owen Sweeney, Chainman,	11 days, at 1 00 per day,	11 00
....do	James McEvoy, ...do	11 days, at 1 00 per day,	11 00
....do	Board for self and men, from Aug. 30, to Sept. 15, 1859,	35 days, at 1 00 per day,	35 00
			122 00
September 23d,	Edward Norris, Surveyor, Winnebago county,	36 days, at $5 00 per day,	180 00
....do	Lyman H. Smith, Chainman,	36 days, at 1 00 per day,	36 00
....do	Austin Snell, ...do	36 days, at 1 00 per day,	36 00
....do	Board for self and men, from Aug. 11, to Sept. 23, 1859,	126 days, at 1 00 per day,	126 00
			378 00
September 19th,	L. S. Van Vliet, Surveyor, Columbia county,	29 days, at $5 00 per day,	145 00
....do	Board for self,	35 days, at 1 00 per day,	35 00
			180 00

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July 19th,	Albert J. Treadway, Surveyor, Trempeleau county,	22 days, at	$5 00 per day,	110 00
....do	John P. Moore, Flagman,	15½ days, at	1 00 per day,	15 50
....do	Lora Holbrook, ...do	5 days, at	1 00 per day,	5 00
....do	J. F. Shepard, Chainman,	6½ days, at	1 00 per day,	6 50
....do	Colin Campbell, ...do	15 days, at	1 00 per day,	15 00
....do	Geo. Stocking, ...do	10 days, at	1 00 per day,	10 00
....do	Dwight Payne, ...do	3 days, at	1 00 per day,	3 00
....do	A. P. Ford, ...do	5 days, at	1 00 per day,	5 00
....do	Board of self and men, from June 19, to July 19, 1859,	120 days, at	1 00 per day,	120 00
				290 00
July 19th,	Robert Shiells, Surveyor, La Crosse county,	26 days, at	$5 00 per day,	130 00
.. do	John McGie, Flagman,	26 days, at	1 00 per day,	26 00
....do	John Hunt, Chainman,	26 days, at	1 00 per day,	26 00
....do	Angus McDowell, Chainman,	26 days, at	1 00 per day,	26 00
....do	Board of self and men, from June 10, to July 19, 1859,	120 days, at	1 00 per day,	120 00
				328 00
July 19th,	C. N. Cox, Surveyor, La Crosse *et al* counties,	26 days, at	$3 00 per day,	78 00
....do	Board for self and men,	30 days, at	1 00 per day,	30 00
....do	Two horses and wagon,	26 days, at	1 50 per day,	39 00
....do	Expenses of team,	30 days, at	1 00 per day,	30 00
				177 00
July 19th,	L. E. Amidon, Surveyor, Monroe county,	5 days, at	$5 00 per day,	20 00
....do	G. W. Stoner, Flagman,	2 days, at	1 00 per day,	2 00
....do	L. G. Miller, Chainman,	4 days, at	1 00 per day,	4 00
....do	Wm. J. Gilkey, ...do	2 days, at	1 00 per day,	2 00
....do	F. Munger, ...do	2 days, at	1 00 per day,	2 00
....do	F. Holt, ...do	2 days, at	1 00 per day,	2 00
....do	Board for self and men,	20 days, at	1 00 per day,	20 00
				$52 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
September 19th,	Y. V. Beebe, Surveyor, Juneau county,	29 days, at $5 00 per day,	$145 00
....do	Robt. Van Vechten, Chainman,	27 days, at 1 00 per day,	27 00
....do	Wm. C. Vasler, ...do	27 days, at 1 00 per day,	27 00
....do	Board for self and men, from Aug, 16, to Sept. 19, 1859,	105 days, at 1 00 per day,	105 00
			304 00
September 19th,	A. D. Van Vechteen, Surveyor, Juneau county,	29 days, at $5 00 per day,	145 00
... do	William Murray, Chainman;	27 days, at 1 00 per day,	27 00
....do	Wm. P. Johnson, ...do	27 days, at 1 00 per day,	27 00
....do	Board for self and men, from Aug. 15, to Sept. 20, 1859,	105 days, at 1 00 per day,	105 00
			304 00
September 15th,	John Woodlock, Surveyor, Juneau county,	13 days, at $5 00 per day,	65 00
....do	Owen Sweeney, Chainman,	11 days, at 1 00 per day,	11 00
....do	James McEvoy, ...do	11 days, at 1 00 per day,	11 00
....do	Board for self and men, from Aug. 30, to Sept. 15, 1859,	35 days, at 1 00 per day,	35 00
			122 00
September 23d,	Edward Norris, Surveyor, Winnebago county,	36 days, at $5 00 per day,	180 00
....do	Lyman H. Smith, Chainman,	36 days, at 1 00 per day,	36 00
....do	Austin Snell, ...do	36 days, at 1 00 per day,	36 00
....do	Board for self and men, from Aug. 11, to Sept. 23, 1859,	126 days, at 1 00 per day,	126 00
			378 00
September 19th,	L. S. Van Vliet, Surveyor, Columbia county,	29 days, at $5 00 per day,	145 00
....do	Board for self,	35 days, at 1 00 per day,	35 00
			180 00

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July 19th,	Albert J. Treadway, Surveyor, Trempeleau county,	22 days, at $5 00 per day,	110 00
....do	John P. Moore, Flagman,	15½ days, at 1 00 per day,	15 50
....do	Lora Holbrook, ...do	5 days, at 1 00 per day,	5 00
....do	J. F. Shepard, Chainman,	6½ days, at 1 00 per day,	6 50
....do	Colin Campbell, ...do	15 days, at 1 00 per day,	15 00
....do	Geo. Stocking, ...do	10 days, at 1 00 per day,	10 00
....do	Dwight Payne, ...do	3 days, at 1 00 per day,	3 00
....do	A. P. Ford, ...do	5 days, at 1 00 per day,	5 00
....do	Board of self and men, from June 19, to July 19, 1859,	120 days, at 1 00 per day,	120 00
			290 00
July 19th,	Robert Shiells, Surveyor, La Crosse county,	26 days, at $5 00 per day,	130 00
.. do	John McGie, Flagman,	26 days, at 1 00 per day,	26 00
....do	John Hunt, Chainman,	26 days, at 1 00 per day,	26 00
....do	Angus McDowell, Chainman,	26 days, at 1 00 per day,	26 00
....do	Board of self and men, from June 10, to July 19, 1859,	120 days, at 1 00 per day,	120 00
			328 00
July 19th,	C. N. Cox, Surveyor, La Crosse *et al* counties,	26 days, at $8 00 per day,	78 00
....do	Board for self and men,	30 days, at 1 00 per day,	30 00
....do	Two horses and wagon,	26 days, at 1 50 per day,	39 00
....do	Expenses of team,	30 days, at 1 00 per day,	30 00
			177 00
July 19th,	L. E. Amidon, Surveyor, Monroe county,	5 days, at $5 00 per day,	20 00
....do	G. W. Stoner, Flagman,	2 days, at 1 00 per day,	2 00
....do	L. G. Miller, Chainman,	4 days, at 1 00 per day,	4 00
....do	Wm. J. Gilkey, ...do	2 days, at 1 00 per day,	2 00
....do	F. Munger, ...do	2 days, at 1 60 per day,	2 00
....do	F. Holt, ...do	2 days, at 1 00 per day,	2 00
....do	Board for self and men,	20 days, at 1 00 per day,	20 00
			$52 00

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A.—*continued.*

1859.	*Names and Occupation.*	*No. of days.*	*Amount.*
July 19,...	W. W. Dimock, Surveyor, La Crosse et al. counties,	19½ days at $5 00 per day,..	$75 50
....do....	L. G. Miller, Chainman, ...do	9 days at 1 00 per day,..	9 00
... do....	A. J. Smith,....do.....do	18½ days at 1 00 per day,..	18 50
....do....	Geo. McSherry, do.....do	9½ days at 1 00 per day,..	9 50
....do....	Wm. Cunningham, Axe man, &c.,....do	18 days at 1 00 per day,..	18 00
....do....	Paid for self and men, from June 19 to July 19, 1859,	179 days at 1 00 per day,..	119 00
			$272 00
July 19,...	J. W. Blanding, Surveyor, Munroe county,	20 days at $5 00 per day,..	$100 00
....do....	P. Hascom, Axe and Flag man,...do	19 days at 1 00 per day,..	19 00
....do....	Martin Cleary, Chainman,.....do	19 days at 1 00 per day,..	19 00
....do....	Stiles West,.....do .....do	17 days at 1 00 per day,..	17 00
....do....	Board for self and men from June 19 to July 19, 1859,	120 days at 1 00 per day,..	120 00
			$275 00
July 19,...	John B. Whitelaw, labor and expenses, as per bill,		$293 65
Oct. 20,...	G. W. Robinson, Surveyor, Chippewa county,	26 days at $5 00 per day...	$130 00
....do....	C. M. Davis, Chainman.....do	26 days at 1 50 per day,..	39 00
....do....	Silvanus Thompson, Chainman, ...do	26 days at 1 50 per day,..	39 00
....do....	I. L. Sargent, Cook,.....do	26 days at 1 50 per day,..	39 00
....do....	Battise Le Noir, Packer,.....do	16 days at 1 50 per day,..	24 00
....do....	I. B. Davis,.....do.....do	21 days at 1 50 per day,..	31 50
....do....	Team and driver,.....do.	8 days at 3 00 per day,..	24 00
....do....	Board of self and men,		95 08
....do....	Postage and stationery,		1 37
... do....	7 days making out report, and journey to Madison,		28 00
....do....	Expenses, fare, &c.,		15 85
			$466 80

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	Deduct 25 cts. per day on 115 days, on Chainmen, Cook, &c.,		$28 75
			$438 05
June 1,...	Truman and Edgar Sears, Surveyors, Adams county,	128 days at $5 00 per day,..	$640 00
....do....	J. E. Parker, Chainman, do	64 days at 1 00 per day,..	64 00
....do....	E. Hubbard, do do	64 days at 1 00 per day,..	64 00
....do....	H. Nelly, do do	64 days at 1 00 per day,..	64 00
....do ...	K. J. Archer, do do	64 days at 1 00 per day,..	64 00
....do....	Board for six men from March 18 to June 1, 1859,	450 days at 1 00 per day,..	450 00
			$1,346 00
June 1,...	Reuben Cronk, Surveyor, Marquette county,	37 days at $5 00 per day,..	$185 00
... do....	P. R. Smith, Chainman, do	37 days at 1 00 per day,..	37 00
....do....	Jo H. Moulton, do	37 days at 1 00 per day,..	37 00
....do....	Board for 3 men 43 days each,	129 days at 1 00 per day,..	129 00
			$388 00
June 1,...	Edward Norris, Surveyor, Winnebago county,	31 days at $5 00 per day,..	$155 00
. ..do....	Austin M. Snell, Chainman, do	31 days at 1 00 per day,..	31 00
....do....	Carlos M. Brainard, ..do do	31 days at 1 00 per day,..	31 00
....do....	Board for 3 men 36 days each, 5 Sundays each,	108 days at 1 00 per day,..	108 00
			$325 00
June 1,...	John Woodlock and Y. V. Beebe, Surveyors, Juneau county,	50 days at $5 00 per day,..	$250 00
....do....	E. D. Gage, Chainman, do	25 days at 1 00 per day,..	25 00
....do....	E. J. Pattison, ...do. do	25 days at 1 00 per day,..	25 00
....do....	J. H. Vaughn, ..do do	25 days at 1 00 per day,..	25 00
....do....	E. C. Burbank, ..do do	25 days at 1 00 per day,..	25 00
....do. ..	Board for self and men from May 3 to June 1, 1859,	174 days at 1 00 per day,..	174 00
			$524 00
	Aggregate amount,		$27,210 42

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B.

STATE OF WISCONSIN, } ss.
Dane County.

John B. Whitelaw being duly sworn, says, that he has been engaged in the swamp land survey during the past year, under an engagement with Governor Randall, entered into about two years since. These articles of agreement between myself and the Governor are on file in the office of the Secretary of State; I was to have five dollars per day and all necessary expenses; I was authorized to employ other surveyors, and I was to receive the same for them; I have employed quite a number of different surveyors and paid them four dollars per day and all necessary expenses; the expenses of these surveyors for board, travel, &c., were furnished to me in itemized accounts, and these accounts I paid; I have made a uniform charge of one dollar per day, per each man; in some instances these expenses amounted to considerable more than one dollar per day, and in some instances they were less than that sum; the average for the season has been more than one dollar per day; the accounts which I have rendered to the State are just and true; I shall have to give bonds to the Surveyor General of the United States for this district, for the correctness of this survey, as I have to report to him, and I have retained one dollar on each surveyor to indemnify me for this responsibility; I have advance money to all these surveyors to meet their running expenses, and in many instances to pay their wages, before I received the same from the State; I shall have to give bonds for the correctness of the survey in each county surveyed when I make my returns to the Surveyor General; I have never retained anything from the wages of any persons employed by me except surveyors; I have never retained more than one dollar per day from the wages of any surveyor; I did not employ E. O. Rudd and L. S. Van Vliet; they received their appointment from the Governor, but were to work under my superintendence; these appointments are also on file in the Secretary's office.

JOHN B. WHITELAW.

Subscribed and sworn to before me, this 17th day of March, 1860.

M. M. DAVIS, *Ch'n of Com.*

STATE OF WISCONSIN, } ss.
Dane County.

Eli O. Rudd, being duly sworn, says, I reside in Reedsburgh, in Sauk county; have been engaged in the swamp land

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survey about two months during the year 1859; was employed in the field work and also in the office. All the field labor which I performed was in the county of Sauk; cannot say how many towns I was engaged in; found most of the swamp and overflowed lands in the southern part of the county, or south of the bluffs; I was employed by John B. Whitelaw to finish up the survey in the county. A surveyor by the name of Randall had previously been engaged in surveying in the county. I engaged S. J. Brown as a surveyor by order of J. B. Whitelaw. I told Brown when I engaged him that Whitelaw said it was customary for him (Whitelaw) to retain one dollar per day from the wages of the principal surveyors having charge of a party. I was assistant surveyor when in the field, and received for my services four dollars per day while Brown was with me; when Brown was not with me I received only two dollars per day. When I was engaged by Whitelaw, he agreed that I should be allowed one dollar per day for the purpose of paying my board and other expenses. I received the one dollar per day, according to agreement. When I was engaged in the office, I recived three dollars per day for my services. I was in the field about thirty-eight days. I was authorized to engage a surveyor by Whitelaw, and I engaged S. J. Brown. Brown is a practical surveyor.

E. O. RUDD.

Subscribed and sworn to before me, this 2d day of March, 1860.

M. M. DAVIS, *Ch'n Investigating Com.*

STATE OF WISCONSIN, *Dane County.* } ss.

Rensler Cronk, being duly sworn, says, I have been engaged in the swamp land survey during most of the time for the past year; am a practical surveyor; have been engaged in surveying most of the time for the past seven or eight years; have been engaged in field work nearly all the time during my connection with the survey. My labor has been in Marquette and Green Lake counties. J. S. Van Vechten first employed me in the survey. After his death I was employed by J. B. Whitelaw. I never made any positive engagement with Van Vechten as regards how much I should receive per day. When I commenced work in the survey, Van Vechten advanced to me $188. After Mr. Van Vechten's death, a Mr. Sherman, whom I suppose to be a friend of Van Vechten, settled with me, and gave me an order on J. B. Whitelaw for the balance due me, at two dollars per day for my services. I kept an accurate account of all my expenses, and the expenses of my party, which account

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was allowed me on settlement with Sherman. I cannot tell, now, *exactly* what these expenses amounted to, per day, for each man, but I am certain they were less than one dollar per day. I cannot now tell whether the board and expenses of each man in my party was more or less than seventy-five cents per day. I think it was more than fifty cents and less than one dollar per day. Under my employment by Whitelaw, I received only four dollars per day. I kept the acconnt of actual expenses since engaged by Whitelaw, and these actual expenses have been allowed me. These expenses, including board, have been less than one dollar per day, for each man; these expenses were but very little less than one dollar per day. I have been engaged a considerable portion of the time during this winter, in the survey; have labored where there was no snow on the ground, and when the weather would permit. When there was snow so as to prevent labor in the field, and when the weather would not permit, I lost my time and the board of myself and men, in accordance with the agreement between myself and Whitelaw.

RENSLER CRONK.

Subscribed and sworn to before me, this 6th day of March, 1860.

M. M. DAVIS, *Ch'n Investigating Com.*

STATE OF WISCONSIN, } ss.
Dane County.

Edgar Sears being duly sworn says, I have been engaged in the swamp land survey during the year 1859; have been engaged in Columbia, Adams, Waushara, Sheboygan and Manitowoc counties; was first engaged by Mr. Van Vechten, and after his death by Mr. J. B. Whitelaw; am a surveyor by profession; have surveyed for the general government for six or seven years. While I was at work for Mr. Van Vechten I received five dollars per day and all necessary expenses, in accordance with the agreement entered into with him; while I was at work for Mr. Whitelaw, I received only four dollars per day for my labor; there was no agreement between myself and Van Vechten, or between myself and Whitelaw, by which I was to receive one dollar per day for board; I kept an account of my expenses, including board; I kept an account of the expenses of my party; my party was made up of myself and two other men—chainmen; while at work for Mr. Van Vechten, my expenses amounted to little less than one dollar per day, each, for myself and men; I rendered an exact account to him, Van Vechten, for board and other expenses, which accounts were allowed, and I received from Mr. Whitelaw one dollar per day

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for myself and each of my men; this was a trifle more than my expenses; it amounted to $7 50 for myself and two men, in two months and a half; my labor in the survey has all been in the field.

EDGAR SEARS.

Subscribed and sworn to before me, this 6th day of March, 1860.

M. M. DAVIS, *Ch'n Com.*

STATE OF WISCONSIN, } ss.
Dane County.

A. J. Treadway being duly sworn says, I have been engaged in the swamp land survey during the past year; have been at work in Grant, LaCrosse, Trempeleau and Buffalo counties; was employed by J. B. Whitelaw; I received only four dollars per day for my labor; so far as I know, Mr. Whitelaw retained one dollar per day on each surveyor; I kept an account for myself and party of the money I paid for board and other expenses; my party consisted of myself and three other men; my expenses amounted to just about one dollar per day for each man; this included board; I am a practical surveyor; I received four dollars per day only when I was in the field; I was doing work in the office during most of the fall of 1859, and also during the past winter; when in the office I received only two dollars and fifty cents per day for my services; since I have been in the office, Whitelaw has paid my board bills; I know that at Kilbourn City and LaCrosse my board bills were one dollar per day; while in Madison I think my board bill has exceeded one dollar per day; I made the surveys in accordance with my returns to Whitelaw; my plats and lists were all returned to Whitelaw.

A. J. TREADWAY.

Subscribed and sworn to before me, this 6th day of March, 1860.

M. M. DAVIS, *Ch'n of Com.*

STATE OF WISCONSIN, } ss.
Dane County.

Geo. W. Robinson being duly sworn says, I have been engaged in the swamp land survey during the past year; have surveyed in Dunn and Chippewa counties; I was employed by J. B. Whitelaw; I was to receive four dollars per day and all necessary expenses; I kept an accurate account of cost of provisions and other expenses, and such accounts were allowed me on final settlement; I bought provisions for myself and party

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and hired teams and packers to take the provisions to accessible points; my party consisted of myself and from three to four other men; I employed all men who were at work under me, and paid them one dollar and fifty cents per day for their labor; the board of my men never exceeded five shillings per day for each man; my own board did not exceed six shillings per day; it was a little more than the board of the men in consequence of having to go into the towns for provisions; I had no expenses aside from board except for tent, team hire and a very small amount of stationery; I kept an accurate account of all these expenses, and they were allowed me on final settlement; no greater sum was allowed me than I presented in these accounts; I was paid four dollars per day for my services; I made an actual survey of all swamp and overflowed land in Dunn and Chippewa counties, as returned to J. B. Whitelaw and the Secretary of State, as described in my report; my last report was made to J. B. Whitelaw; all others were made to the Secretary of State; I spent as many days in actual service in prosecuting the survey, as I charged for in my account.

G. W. ROBINSON.

Subscribed and sworn to before me, this 7th day of March, 1860.

M. M. DAVIS, *Ch'n Com.*

The committee on Banks and Banking, report back

Nos. 602, 603 and 623, A.,

Bills for acts to reduce, severally, the capital stock of the Bank of Racine, the North-Western Bank, and the German Bank, and recommend their passage.

D. WORTHINGTON, *Ch'n.*

The committee of Conference on bill

No. 321, S.,

Unanimously report the above amendment and recommend its adoption.

J. W. STEWART,
DAVID S. ORDWAY.
for the Committee.

The report of the committee was adopted.

The committee of Conference on the disagreeing vote of the two Houses upon

No. 617, A., a bill for an act to appropriate to L. H. D. Crane the sum $225;

Recommend the amendment of the Senate amendment, by striking out the words "one hundred dollars," and inserting

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in lieu thereof the words "two hundred dollars," and that said bill do pass as amended.

B. E. HUTCHINSON,
D. W. MAXON,
Senate Committee.
A. E. BOVAY,
AND'W E. ELMORE,
DAVID S. ORDWAY,
Assembly Committee.

The question occurring on adopting the report of the committee,

The ayes and noes were called for, and

The report was adopted—ayes 12, noes 10.

Those who voted in the affirmative were

Senators Comstock, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Hutchinson, Maxon, Rodolf, Seeley and Taylor—12.

Those who voted in the negative were

Senators Bartlett, G. Bennett, Burdick, Cox, Davis, Masters, Phillips, Stewart, Washburn and Worthington—10.

The committee on Judiciary, to whom was referred

No. 377, A., a bill for an act concerning warehouse receipts and bills of lading, and to repeal section 86, of chapter 165, of the Revised Statutes, entitled "of offences against property;"

Report the same back, &c.

HANCHETT, *Ch'n.*

The committee on State Affairs, to whom was referred

No. 678, S., a bill for an act to repeal chapter 157, of the Revised Statutes, entitled "of actions against the State;"

Report the same back without recommendation.

HUTCHINSON, *Ch'n.*

On motion of Sen. Hutchinson,

Said bill was indefinitely postponed.

The committee on Agriculture, to whom was referred the resolution requiring them "to prepare a bill and report the same to the Senate, providing for the building and maintaining fences other than partition fences;"

Have had the same under consideration, and have instructed me to report the same back and recommend that it be indefinitely postponed. E. D. MASTERS, *Ch'n.*

On motion of Sen. Worthington,

The Senate proceeded to the consideration of all bills in the general file.

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The following bills were then ordered to a third reading:

No. 330, A., a bill for an act to amend section 11, of chapter 188, of the Revised Statutes, entitled "of the State Prison;"

No. 621, A., an act to provide for the election of directors of the Manitowoc and Mississippi Railroad;

No. 623, A., a bill for an act to authorize the German Bank to reduce its capital;

No. 334, A., a bill for an act for the relief of settlers upon the even sections of Fox and Wisconsin River Improvement Company;

With amendments adopted.

No. 600, A., a bill for an act to amend an act entitled "an act to incorporate the Merchants Mutual Insurance Company, of Milwaukee, and the acts amendatory thereof;

Sen. Curtis moved to reconsider the vote by which the Senate ordered said bill

No. 600, A.,

To a third reading.

No. 456, A., a bill for an act to authorize commissioners to vacate a certain Territorial road in the county of Waukesha;

No. 485, A., a bill for an act relating to repairs of plank and turnpike roads;

No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

No. 421, A., a bill for an act to provide for the lay out of a State road from the village of Kiel, in Manitowoc county, to the town of Calumet, in Fond du Lac county;

No. 603, A., a bill for an act to reduce the capital stock of the North Western Bank to $40,000;

No. 602, A., a bill for an act to reduce the capital stock of the Bank of Racine to $25,000;

Senator Maxon moved to commit to Senator Curtis, bill

No. 292, S., a bill for an act to prevent the marriage of persons of different colors;

Senator Curtis moved to amend by including Senator Maxon;

And the amendment was adopted;

The motion, as amended, prevailed.

Senator Seeley moved to instruct the committee to report what colors are meant by the bill;

And the motion prevailed.

No. 20, S., a bill for an act to authorize the draining of Rush Lake;

Was, on motion of Senator Washburn,

Laid on the table.

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No. 205, S., a bill for an act to amend chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

Was laid on the table.

On motion of Senator Rodolf, bill

No. 81, A., a bill for an act to extend the time for the payment of mortgages executed to the State;

Was indefinitely postponed.

On motion of Senator Hotchkiss,

The Senate proceeded to the consideration of Assembly message.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present for your signature

No. 490, A., a bill for an act for the relief of the Reedsburg Bank;

No. 460, A., a bill for an act legalizing a State road therein named;

No. 304, A., a bill for an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the second ward, to pay for the improvements of a public square in block 165, of said ward;

No. 352, A., a bill for an act to incorporate the Milwaukee and Cedarburg Plank Road company;

No. 613, A., a bill for an act to authorize the common council of the city of Milwaukee to erect a breakwater in the third ward of said city;

No. 465, A., a bill for an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

No. 121, A., a bill for an act to amend section 4, of chapter 124, of the Revised Statutes, entitled of the manner of commencing civil actions;

No. 313, A., a bill for an act to amend chapter 88, of the General Laws of 1857, entitled an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin;

No. 403, A., a bill for an act to provide for laying out a State road from Chilton, in Calumet county, to Wrightstown, in Brown county;

No. 351, A., a bill for an act to amend an act entitled an act to incorporate the Green Bay, Milwaukee and Chicago Railroad Company, approved March 13, 1857, and the acts amendatory thereto;

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No. 446, A., a bill for an act for the protection of orchards and fruit trees;

No. 383, A., a bill for an act relating to the estate of T. J. Vander Brock;

No. 228, A., a bill for an act authorizing the laying out of a State road from the village of Eau Claire City, in Eau Claire county, to the mouth of Hay river, in Dunn county;

No. 237, A., a bill for an act to annex a part of the city of Appleton to town of Grand Chute;

No. 472, A., a bill for an act to change the corporate name of the Plymouth Congregational Society in the city of Fond du Lac;

No. 450, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 155, A., a bill for an act to provide for the purchase of of real estate, and the erection of suitable buildings thereon for the use of the third ward of the city of Milwaukee;

No. 394, A., a bill for an act to authorize the board of trustees of the village of Viroqua, Bad Ax county, to levy a tax;

J. Res. in relation to the homestead bill in Congress;

And

No. 352, S., a bill for an act to appropriate the sum of $8,-500 dollars to the State Reform School;

Which have been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:

I am directed to inform you that the Assembly has passed

No. 611, A., a bill for an act to amend chapter 218, of the Private and Local Laws of 1859, entitled "an act to amend section 6, of chapter 6, of Private and Local Laws of 1852, entitled an act to authorize the borrowing of money to construct a harbor at the mouth of Sheboygan river;"

In which the concurrence of the Senate is requested.

Also, I am further directed to inform you that the Assembly has adopted the report of the committee of Conference on

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled "of the State Historical Society."

Also, that the Assembly recedes from its non-concurrence in Senate amendment to

No. 37, A., a bill for an act in relation to the abatement and revivor of suits.

I am further directed to inform you that the Assembly has indefinitely postponed

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No. 185, S., a bill for an act to authorize the formation of Railroad corporations, and to regulate the same.

I am also directed to inform you that the Assembly has passed

No. 423, A., a bill for an act to repeal so much of section 6, of chapter 143, of the Private and Local Laws of 1857, as relates to the alteration of the boundaries of union school district No. 8, of the town of Monroe, in Green county;

In which the concurrence of the Senate is requested.

I am further directed to inform you that the Assembly has concurred in the amendments of the Senate to

No. 458, A., a bill for an act to provide for the exemption of insurance money on homesteads;

No. 395, A., a bill for an act to provide for the location and the construction of a portion of the State road from Oshkosh to Green Bay.

The Assembly has alo concurred in the adoption of

J. Res. No. 26, S., relating to the distribution of the Assesment law.

I am further directed to inform you that the Assembly has passed the following bills, and asks the concurrence of the Senate in the same:

No. 642, A., a bill for an act to amend an act entitled "an act to amend an act to incorporate the Mutual Life Insurance Company of the City of Madison;"

No. 616, A., a bill for an act to amend sec. 1, of chap. 107, of the Private and Local Laws of 1855, entitled "an act to incorporate the Kenosha Female Seminary;

No. 577, A., a bill for an act for the preservation of fish in Lake Ripley;

No. 588, A., a bill for an act to cede jurisdiction to the United States over certain territory in the State o Wisconsin for the erection of a light house on Green Island, in Green Bay.

I am also directed to inform you that the Assembly has amended

No. 370, S., a bill for an act to authorize the Secretay of State to audit certain accounts for newspapers;

And concurred in its passage as amended.

ASSEMBLY MESSAGE CONSIDERED.

Bills read first and second times and referred.

Nos. 423, 642, 616, 577, 588 and 611, A.,

To the general file.

The question occurring on concurring in the first Assembly amendment to bill

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No. 370, S.,

The ayes and noes were called for, and

The amendment was concurred in—ayes 13, noes 8.

Those who voted in the affirmative, were

Senators Comstock, Cox, Curtis, Eagan, Ferguson, Fratt, Gill, Hotchkiss, Hutchinson, Maxon, Rodolf, Simpson and Taylor—13.

Those who voted in the negative, were

Senators Bartlett, G. Bennett, Burdick, Davis, Masters, Stewart, Washburn and Worthington—8.

The question occurring on concurring in the Assembly amendment to said bill

No. 370, S.,

The ayes and noes were called for, and

The amendment was concurred in—ayes 16, noes 8.

Those who voted in the affirmative, were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hotchkiss, Hutchinson, Masters, Seeley, Stewart, Taylor, Washburn and Worthington—16.

Those who voted in the negative, were

Senators Eagan, Ferguson, Fratt, Gill, Maxon, Rodolf, and Simpson—8.

Sen. Curtis moved to reconsider the vote by which the Senate adopted the second amendment to bill

No. 370, S.,

And the motion was lost.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

Mr. President:

I am directed to present to you for signature the following bills which have been signed by the Speaker:

No. 284, S., a bill for an act to grant a certain island in the Wisconsin river to Orestes Garrison and H. W. Jackson;

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

No. 343, S., a bill for an act authorizing the Secretary of State to audit certain accounts;

No. 331, S., a bill for an act to appropriate to Berliner and Bruno the sum of twenty dollars;

No. 264, S., a bill for an act to appropriate to J. W. Seeley the sum of thirty-six dollars and twenty-five cents;

No. 158, S., a bill for an act relating to school, university, swamp and overflowed lands belonging to the State, and to re-

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peal section nine, of chapter twenty-nine, of the Revised Statutes;

No. 340, S., a bill for an act to appropriate to the commissioners of the school and university lands of the State of Wisconsin, the sum of $750, as a contingent fund;

No. 283, S., a bill for an act to appropriate the sum of $5,000 to the State Prison Commissioner.

I am also directed to inform you that the Assembly has amended and concurred in as amended,

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections.

ASSEMBLY MESSAGE CONSIDERED.

The Assembly amendment to said bill
No. 201, S.,
Was concurred in.

On motion of Senator Hotchkiss, the Senate proceeded to the consideration of the general file.

The following bills were severally ordered to a third reading:

No. 642, A., a bill for an act to amend an act entitled an act to amend an act to incorporate the Mutual Life Insurance Company of the city of Madison;

No. 423, A., a bill for an act to repeal so much of section six, of chapter 143, of the Private and Local Laws of 1857, as relates to the alteration of the boundaries of Union School District No. 8, of the town of Monroe, in Green county;

No. 616, A., a bill for an act to amend section one, of chapter 107, of the Private and Local Laws of 1855, entitled "an act to incorporate the Kenosha Female Seminary;"

No. 577, A., a bill for an act for the preservation of fish in Lake Ripley;

No. 588, A., a bill for an act to cede jurisdiction to the United States over certain territory in the State of Wisconsin, for the erection of a lighthouse on Green Island in Green Bay.

On motion of Senator Hotchkiss, bill

No. 611, A., a bill for an act to amend chapter 218, of Private and Local Laws of 1859, entitled an act to amend section 6, of chapter 6, of Private and Local Laws of 1852, entitled "an act to authorize the borrowing of money to construct a harbor at the mouth of Sheboygan river,"

Was indefinitely postponed.

No. 277, A., a bill for an act concerning warehouse receipts and bills of lading, and to repeal section 36, of chapter 165, of the Revised Statutes, entitled "of offences against property."

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BILLS ON THEIR THIRD READING.

The following bills were severally read a third time and the passage concurred in, all rules interfering with their passage having been first suspended:

Nos. 616, 577, 588, 377, 428, 642, 421, 602, 485, 456, 621, 334, 603, 628 and 330, A.

On the passage of bill

No. 469, A.,

The ayes and noes being required,

The bill was passed, ayes 11, noes, 6.

Those who voted in the affirmative were

Senators Cox, Curtis, Davis, Eagan, Ferguson, Fratt, Gil Hilgen, Rodolf, Stewart and Worthington—11.

Those who voted in the negative were

Senators Hotchkiss, Hutchinson, Masters, Maxon, Phillip and Taylor—6.

Senator Curtis moved to reconsider the vote by which the enate ordered to a third reading bill

No. 600, A.,

Was renewed;

The ayes and noes were called for, and

The motion prevailed, ayes 14, noes 11.

Those who voted in the affirmative were

Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Comstock, Cox, Curtis, Davis, Hanchett, Hutchinson, Masters, Seeley, Stewart, and Worthington—14.

Those who voted in the negative were

Senators Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Simpson and Taylor—11.

Senator Hutchinson moved to amend the bill by striking out all after the enacting clause and inserting a substitute.

A division of the question was called for and ordered;

The question being on striking out all after the enacting clause;

The ayes and noes were called for, and

The Senate refused to strike out—ayes 9, noes 13.

Those who voted the affirmative were

Senators Bartlett, Burdick, Cox, Curtis, Hanchett, Hutchinson, Masters, Seeley and Stewart—9.

Those who voted in the negative were

Senators Comstock, Eagan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Taylor, Washburn and Worthington—13.

The question occurring on ordering the bill to a third reading,

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The ayes and noes were called for, and

The bill was so ordered—ayes 14, noes 10.

Those who voted the affirmative were

Senators Comstock, Davis, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Taylor, Washburn and Worthington—14.

Those who voted in the negative were

Senators Bartlett, A. I. Bennett, Burdick, Cox, Curtis, Hanchett, Hutchinson, Masters, Seeley and Stewart—10.

The ayes and noes being required on the passage of the bill,

It was passed—ayes 15, noes 7.

Those who voted in the affirmative were

Senators Bartlett, Comstock, Davis, Egan, Ferguson, Fratt, Gill, Hilgen, Hotchkiss, Maxon, Phillips, Rodolf, Seeley, Taylor and Worthington—15.

Those who voted in the negative were

Senators A. I. Bennett, Burdick, Cox, Curtis, Hutchinson, Masters and Stewart—7.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined and find correctly enrolled, the following bills, viz:

No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

No. 281, S., a bill for an act to authorize the State Prison Commissioner, to purchase or sell land as therein named;

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane a sum of money therein named, to pay the debts existing against said institution;

No. 331, S., a bill for an act to appropriate to Berliner & Bruno the sum of $20;

No. 264, S., a bill for an act to appropriate to Josiah W. Seeley the sum of $36 25;

No. 158, S., a bill for an act relating to school, university, swamp and overflowed lands belonging to the State, and to repeal section 9, of chapter 29, of the Revised Statutes;

No 340, S., a bill for an act to appropriate to the commissioners of school and university land, of the State of Wisconsin, the sum of $750, as a contingent fund;

No. 283, S., a bill for an act to appropriate the sum of $5,000 to the State Prison Commissioner;

No. 343, S., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

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No. 284, S., a bill for an act to grant a certain island in the Wisconsin river to Orestes Garrison and H. W. Jackson;

G. BENNETT, *Ch'n.*

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Seeley:

No. 96, S.,

Resolved, That the Assembly be requested to return to the Senate, Assembly bill No. 359, for further consideration;

Adopted.

By Senator Hotchkiss:

J. Res. No. 28, S.,

Resolved, by the Senate, the Assembly concurring, That so much of joint resolution No. 20, S., as provides that no legislative business shall be transacted after Friday, the 30th inst., be rescinded, and that unfinished business may be considered until 1 o'clock, P. M., of Saturday, the 31st inst;

Senator Simpson moved to amend the resolution by striking out "1 o'clock, P. M." and inserting in lieu thereof the words "12 o'clock, M;"

And the motion was lost.

The question occurring on the adoption of the resolution;

It was adopted.

MESSAGE FROM THE ASEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof:

MR. PRESIDENT:—

I am directed to inform you that the Assembly has concurred in the Senate amendment to

No. 568, A., a bill for an act to facilitate and authenticate the formation of a corporation by the purchase of the Milwaukee and Mississippi Railroad Company.

Also, that the Assembly has refused to concur in the passage of

No. 96, S., a bill for an act to appropriate to Charles R. Gill the sum of $100;

And further that the Assembly refuses to recede from its amendment to

No. 252, S., a bill for an act to provide for the payment of the sum of money therein named to Andrew Proudfit (assignee of Calkins & Webb), being the amount due for the printing of assessment blanks and forms furnished by the Secretary of State to the several counties of this State in the year A. D. 1858.

And also that the Assembly has concurred in the passage of

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No. 299, S., a bill for an act to amend section 12, chapter 3, of an act to incorporate the city of Prescott, approved March 9, 1857.

ASSEMBLY MESSAGE CONSIDERED.

The Senate refused to recede from its non-concurrence in the Assembly amendments to bill

No. 252, S.

A committee of Conference on the part of the Senate was ordered on the bill, and the chair appointed Senators Hotchkiss and Worthington such committee.

REPORTS OF COMMITTEES.

The committee on Enrolled Bills report that they have examined and find correctly enrolled bill

No. 11, S., entitled a bill for an act to amend chapter 167, of the General Laws of 1859, entitled an act to amend chapter 15, of the Revised Statutes, entitled of the assessment and collection of taxes.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 30th inst., they presented to the Governor for his approval, the following bills, viz:

No. 39, S., a bill for an act to appropriate to D. A. Reed the sum of $8;

No. 281, S., a bill for an act to authorize the State Prison Commissioner to purchase or sell land, as therein named;

No. 357, S., a bill for an act to appropriate to the Wisconsin State Hospital for the Insane a sum of money therein named, to pay the debts existing against said institution;

No. 352, S., a bill for an act to appropriate the sum of $8,-500 to the State Reform School.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Roads, Bridges and Ferries, to whom was referred

Mems. Nos. 44, 310, 281, 279, 27, and 134, A., and

Remonstrances Nos. 116, and 117, S.,

Together with sundry papers, documents, &c.;

Report the same back to the Senate, and recommend that they be laid on the table.

P. B. SIMPSON, *Ch'n.*

So ordered.

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MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in the report of committee of conference on

No. 617, A., a bill for an act to appropriate to L. H. D. Crane the sum of $225;

No. 222, A., a bill for an act to provide for the inspection of plank, gravel, and turnpike roads, constructed by companies incorporated by special acts of the Legislature.

I am further directed to inform you that the Assembly has passed

No. 622, A., a bill for an act to amend sections 1 and 3, of chapter 83, of acts of a general nature of 1858, entitled "an act to incorporate Savings Institutions;"

No. 487, A., a bill for an act to repeal chap. 164, of the Private and Local Laws of 1859, entitled "an act to provide for the appointment of superintendent of public schools in the city of Kenosha;

No. 643, A., a bill for an act in relation to certain towns in St. Croix county;

No. 653, A., a bill for an act to amend chap. 19, of the Revised Statutes, entitled "of highways and bridges;"

No. 654, A., a bill for an act to change the name of Frank Kyle, and to establish his guardianship and heirship;

No. 632, A., a bill for an act to amend sec. 20, of chap. 6, of the Revised Statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents;"

No. 518, A., a bill for an act to provide for the removal of the county seat of Dunn county;

No. 634, A., a bill for an act restoring Charles W. Mains to citizenship;

No. 594, A., a bill for an act to amend sec. 16, of chap. 7, of the Revised Statutes, entitled "of general and special elections."

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

Nos. 622, 487, 643, 653, 654, 632, 518, 634, and 594, A.,

To general file.

On motion of Sen. Hotchkiss,

All rules were suspended in order to put upon their passage said bills in the Assembly message.

No. 634, A.,

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Was laid on the table.
Nos. 518, 654, 643, 653, 622, and 594, A.,
Were severally read a third time and passed.
On motion of Sen. G. Bennett,
No. 487, A.,
Was laid on the table.
On motion of Sen. Simpson,
No. 632, A.,
Was indefinitely postponed.

RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Rodolf:
No. 94, S.,
Resolved, That this Senate hereby tender to Lieutenant Governor Butler G. Noble, this unanimous expression of their appreciation of the impartial and courteous manner in which he has constantly presided over their deliberations, and of his regard for their happiness in all his personal intercourse with the Senators;
Adopted.
By Senator Rodolf:
No. 95, S.,
Resolved, That the thanks of the Senate be, and are hereby, tendered to J. H. Warren, Chief Clerk, and Asa Kinney, Sergeant-at-Arms, of the Senate, with their assistants, for the very able and courteous manner in which they have discharged their several duties during the present session of the Legislature;
Adopted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Esq., Chief Clerk thereof.

Mr. President:
I am directed to inform you that the Assembly has concurred in the passage of
No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge across the Manitowoc river;
No. 351, S., a bill for an act for the relief of Joseph Kneer, of the county of Manitowoc;
No. 337, S., a bill for an act in regard to literary institutions;
M. C. No. 6, S., memorial to Post Master General for reinstatement of service on route 13,031.

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I am further directed to inform you that the Assembly has passed

No. 633, A., a bill for an act restoring Horatio Mains to citizenship;

No. 610, A., a bill for an act to amend chapter 80, of the acts of a general nature 1858, being a part of chapter 129, of the Revised Statutes, entitled "of injunctions and writs of *ne exeat*, and of receivers;"

No. 652, A., a bill for an act to amend section 15, of chapter 183, of the Revised Statutes, entitled "an act of offences cognizable before justices of the peace;"

No. 637, A., a bill for an act providing for the filing of an official oath and bond of the county judge of Polk county;

In which the concurrence of the Senate is requested.

I am further directed to present to you for signature the following bills, which have been signed by the Speaker :

No. 78, A., a bill for an act to repeal chap. 270, of the Private and Local Laws of 1853, entitled "an act to authorize John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, James Christie and their successors, to build and maintain a dam across the Wisconsin river ;"

No. 77, A., a bill for an act to repeal chap. 330, of the Private and Local Laws of 1855, entitled "an act to incorporate the Wisconsin River Hydraulic Co.;"

No. 79, A., a bill for an act to repeal chap. 508, of the Private and Local Laws of 1856, entitled "an act to amend chap. 330, of the Private and Local Laws of 1855 ;"

No. 195, S., a bill for an act to re-annex certain lands to the towns of Milwaukee, Wauwatosa, Greenfield and Lake, in the county of Milwaukee ;

No. 466, A., a bill for an act to reduce the capital stock of the Oshkosh Commercial Bank ;

No. 302, A., a bill for an act to vacate certain lots of the Town of the Island, in Winnebago county ;

No. 541, A., a bill for an act to change the name of Martha Pherm, and to establish her guardianship and heirship ;

No. 426, A., a bill for an act to amend sec. 21, of chap. 134, Revised Statutes, entitled "of executions and proceedings supplemental thereto ;"

No. 459, A., a bill for an act to amend sec. 37, of chap. 132, of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions."

ASSEMBLY MESSAGE CONSIDERED.

Nos. 633, 610, 652, and 637, A.,
Were severally read the first and second times ;

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All rules were suspended in order to put upon their passage said bills, and

They were severally read the third time and passed.

On motion of Sen. Taylor,

No. 634, A., a bill for an act restoring Charles W. Mains to citizenship;

Was taken from the table and put upon its passage.

The bill was then read the third time, and

The passage concurred in.

On motion of Sen. A. I. Bennett,

The Senate adjourned.

SATURDAY, MARCH 31, 9 o'clock, A. M.

Senate met.

Lieut. Governor in the chair.

Reading of the journal of yesterday dispensed with.

On motion of Sen. Curtis,

The Senate took a recess till half-past 9 o'clock.

Half-past 9 o'clock, A. M.

Senate met.

Lieutenant Governor in the chair.

Sen. Stewart moved that the Senate take a recess till 2 o'clock this afternoon;

And the motion was lost.

On motion of Sen. Burdick,

The Senate took an informal recess.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature, the following bills, which have been signed by the Speaker:

No. 508, A., a bill for an act to legalize a certain State road therein named;

No. 368, A., a bill for an act to facilitate the collection of judgments;

No. 418, A., a bill for an act to amend an act entitled an act to incorporate the village of Waterloo, approved March 15, 1859;

No. 484, A., a bill for an act relating to the assessment and collection of taxes on school, university and swamp lands, and of all lands mortgaged to the State;

No., 540, A., a bill for an act to appropriate a certain sum of money to the joint committee on State Prison;

No. 601, A., a bill for an act to appropriate to Mygatt & Schmidtner the sum of $200;

No. 581, A., a bill for an act to provide for indexing and transcribing the journals of the Senate and Assembly;

No. 591, A., a bill for an an act to appropriate to E. G. Garner the sum of $50 25;

No. 227, A., a bill for an act authorizing the laying out of a State road from Eau Claire, in Eau Claire county, to the mouth of the river Flambeau, Chippewa county;

No. 429, A., a bill for an act to amend an act to incorporate the city of Sheboygan, and the several acts amendatory thereof.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for signature

No. 139, A., a bill for an act to provide for the reassessment of certain taxes in the city of Milwaukee for the years 1856 and 1857;

No. 568, A., a bill for an act to facilitate and authenticate the formation of a corporation by the purchase of the Milwaukee and Mississippi Railroad Company;

No. 452, A., a bill for an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad;

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No. 651, A., a bill for an act to appropriate to J. B. Bowen the sum of $26 13;

No. 656, A., a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of $62 24;

No. 532, A., a bill for an act to lay out a State road from Wausau to the State line north, and make an appropriation therefor;

No. 650, A., a bill for an act to appropriate to Burt Brett, the sum of $49 75;

No. 527, A., a bill for an act to appropriate to Francis W. Newland the sum of $422 50;

No. 655, A., a bill for an act to appropriate to C. V. N. Kittridge the sum of $52 77;

No. 556, A., a bill for an act to appropriate a certain sum of money to the committee on Charitable and Religious Societies;

No. 649, A., a bill for an act to appropriate to Edmund Gibbs, the sum of $85 18;

No. 212, A., a bill for an act to empower cities, towns, and villages to grant the use of streets therein to certain railway companies;

Which have been severally signed by the Speaker.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature

No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers;

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

No. 269, S., a bill for an act to provide for issuing a patent of certain lands to Michael Gleiter;

No. 345, S , a bill for an act to appropriate the sum of $4,000 for the purchase of stationery, for the use of State Officers and next Legislature;

No. 244, S., a bill for an act to provide for the payment of the chaplains of the Legislature for the year 1860;

No. 211, S., a bill for an act to provide for letting the public printing by contract, and establish maximum prices for the execution thereof;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $150;

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled "an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;

Which have been severally signed by the Speaker.

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MESSAGE FROM THE ASSEMBLY,

By L. H. D. Crane, Chief Clerk thereof.

MR. PRESIDENT :—

I am directed to present for your signature

No. 572, A., a bill for an act for the preservation of fish in the counties of Manitowoc and Kewaunee;

No. 627, A., a bill for an act to appropriate to Andrew Bishop, the sum of $60;

No. 626, A., a bill for an act to appropriate to R. G. Norton the sum of $26 24;

No. 625, A., a bill for an act to appropriate to Church and Hawley, the sum of $23;

No. 590, A., a bill for an act to appropriate to Wm. F. Porter the sum of $73 75;

No. 624, A., a bill for an act to appropriate to C. M. Marvin, the sum of $50;

No. 269, A., a bill for an act to appropriate to the Institute for the Education of the Deaf and Dumb, and the Institute for the Education of the Blind of the State of Wisconsin, certain sums of money therein named;

Which have been signed by the Speaker.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that they presented to the Governor for his approval, on the 30th inst., the following bills:

No. 351, A., an act to amend an act entitled an act to incorporate the Green Bay, Milwaukee and Chicago Railroad Company, approved March 13, 1851, and the acts amendatory thereto;

No. 403, A., an act to provide for laying out a State road from Chilton, in Calumet county, to Wrightstown, in Brown county;

No. 313, A., an act to amend chapter 88, of the General Laws of 1857, entitled an act to authorize the establishment of a House of Refuge for juvenile delinquents in the State of Wisconsin;

No. 121, A., an act to amend section 4, of chapter 124, of the Revised Statutes, entitled of the manner of commencing civil actions;

No. 465, A., an act to provide for laying out a State road from sections 14 and 15, town 22, range 21, to the city of Green Bay;

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No. 304, A., an act to authorize the common council of the city of Milwaukee to apply a portion of a ward tax of the 2d ward, to pay for the improvement of a public square in block 165 in said ward;

No. 521, A., an act to amend an act entitled an act to incorporate the city of Racine, in the county of Racine, approved August 8, 1848, and the several acts amendatory thereof;

No. 445, A., an act to provide for the disposal and expenditure of the Drainage Fund moneys in the county of Oconto;

No. 169, A., an act regulating the rights of miners and persons digging for lead ore;

No. 398, A., an act to vacate and extinguish the town of Orwell, in the county of Racine, and to attach the territory comprising the same to the towns of Mount Pleasant and Caledonia, in said county;

No. 283, A., an act to equalize the State tax for Brown county;

J. Res. in relation to the homestead bill in Congress;

No. 490, A. an act for the relief of the Reedsburg Bank;

No. 460, A., an aet legalizing a State road therein named;

No. 394, A., an act to authorize the board of trustees of the village of Viroqua, Bad Ax county, to levy a tax;

No. 450, A., an act to authorize the Secretary of State to audit certain accounts;

No. 472, A., an act to change the corporate name of the Plymouth Congregational Society, in the city of Fond du Lac;

No. 37, A., an act to annex a part of the city of Appleton to the town of Grand Chute;

No. 228, A., an act authorizing the laying out of a State road from the village of Eau Claire City, in Eau Claire county, to the mouth of Hay river, in Dunn county;

No. 183, A., an act relating to the estate of T. J. Vander Brock:

No. 446, A., an act for the protection of orchards and fruit trees;

No. 352, A., an act to incorporate the Milwaukee and Cedarburg Pland Road Company;

No. 155, A., an act to provide for the purchase of real estate and the erection of suitable buildings thereon, for the use of the 3d ward of the city of Milwaukee;

No. 613, A., an act to authorize the common council of the city of Milwaukee to erect a breakwater in the 3d ward of said city.

G. BENNETT, *of Senate,*
C. MILLER, *of Assembly.*

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The joint committee on Enrolled Bills report that they presented to the Governor for his approval on the 31st day of March, the following bills, to-wit:

No. 452, A., an act to authorize the common council of the city of Sheboygan to levy and collect a tax to pay interest on bonds issued to aid in the construction of the Sheboygan and Mississippi Railroad;

No. 649, A., an act to appropriate to Edmund Gibbs the sum of $85 18;

No. 212, A., an act to empower cities, towns and villages to grant the use of the streets therein to certain railway companies;

No. 532, A., an act to lay out a State road from Wausau to the State line north, and to make an appropriation therefor;

No. 650, A., an act to appropriate to Burt Brett the sum of $49 75;

No. 651, A., an act to appropriate to J. B. Bowen the sum of $26 13;

No. 527, A., an act to appropriate to Francis W. Newland the sum $422 50;

No. 656, A., an act to appropriate to Bliss, Eberhard & Festner the sum of $62 24;

No. 655, A., an act to appropriate to C. V. N. Kittridge the sum of $52 77;

No. 556, A., an act to appropriate a certain sum of money to the committee on Charitable and Religious Societies.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills presented to the Governor for his approval the 31st day of March, 1860, the following bills, to-wit:

No. 466, A., an act to reduce the capital stock of the Oshkosh Commercial Bank;

No. 541, A., an act to change the name of Martha Pherm, and to establish her guardianship and heirship;

No. 426, A., an act to amend sec. 21, of chap. 134, Revised Statutes, entitled "of executions and proceedings supplemental thereto;"

No. 459, A., an act to amend sec. 37, of chap. 132, of the Revised Statutes, entitled "of issues, mode of trial and judgment in civil actions;"

No. 302, A., an act to vacate certain lots of the town of the Island, in Winnebago county;

No. 77, A., an act to repeal chap. 330, of the Private and Local Laws of 1855, entitled "an act to incorporate the Wisconsin River Hydraulic Co.;"

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No. 78, A., an act to repeal chap. 270, of the Private and Local Laws of 1853, entitled "an act to authorize John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, James Christie and their successors, to build and maintain a dam across the Wisconsin river;"

No. 79, A., an act to repeal chap. 508, of the Private and Local Laws of 1856, entitled "an act to amend chapter 330, of the Private and Local Laws of 1855;"

No. 627, A., an act to appropriate to Andrew Bishop the sum of $60;

No. 626, A., an act to appropriate to R. G. Norton the sum of $26 24;

No. 625, A., an act to appropriate to Church & Hawley the sum of $23;

No. 590, A., an act to appropriate to William F. Porter the sum of $73 75;

No. 624, A., an act to appropriate to C. M. Marvin the sum of $50;

No. 269, A., an act to appropriate to the Institute for the education of the Deaf and Dumb, and the Institute for the Education of the Blind of the State of Wisconsin, certain sums of money therein named;

No. 572, A., an act for the preservation of fish in the counties of Manitowoc and Kewaunee;

No. 568, A., an act to facilitate and authenticate the formation of a corporation by the purchase of the Milwaukee and Mississippi Railroad Co.;

No. 139, A., an act to provide for the re-assessment of certain taxes in the city of Milwaukee, for the years 1856 and 1857.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills report that, on 29th March inst., they presented to the Governor for his approval, the following bills, viz:

No. 303, A., a bill for an act to enable the city of Fond du Lac to settle with its bondholders;

No. 401, A., a bill for an act to authorize the Secretary of State to audit certain acounts;

No. 360, A., a bill for an act to amend an act to consolidate the several school districts in the city of Fond du Lac, aproved Feb. 24, 1859;

No. 390, A., a bill for an act to authorize the Secretary of State to audit certain accounts;

No. 583, A., a bill for an act to organize Shawano county for judicial purposes;

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No. 168, A., a bill for an act to incorporate the St. Anthony Mutual Relief Society of the city of Milwaukee;

No. 525, A., a bill for an act to authorize the city of Milwaukee to construct a certain bridge;

No. 569, A., a bill for an act to incorporate the Milwaukee Mutual Laborer's Relief Society;

No. 589, A., a bill for an act to appropriate to Moseley and Brother the sum of $217 93;

No. 361, A., a bill for an act to provide for laying out a State road from Ashland to Chippewa Falls;

No. 461, A., a bill for an act to authorize the city of Milwaukee to construct and maintain certain bridges;

No. 25, A., a bill for an act to authorize the Bank of Oshkosh to make and file new articles of association, and continue the banking business;

No. 354, A., a bill for an act to amend an act entitled an act to incorporate the Peshtigo Lumbering and Manufacturing Company, approved October 11th, 1856, and the amendments thereto;

No. 42, A., a bill for an act to provide for laying out a State road from Superior to Chippewa Falls;

No. 353, S., a bill for an act to legalize the official acts of Willard T. Chase, as justice of the peace, of the county of Dane;

No. 639, A., a bill for an act to postpone the tax sale in Douglas county.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled, viz:

No. 195, S., a bill for an act to re-annex certain lands to the towns of Wauwatosa, Greenfield, Lake and Milwaukee, in the county of Milwaukee.

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislature, for the year 1860;

No. 345, S., a bill for an act to appropriate the sum of $4,000 for the purchase of stationery for the use of the State officers, and the Legislature for the ensuing year;

No. 269, S., a bill for an act to provide for issuing a patent of certain lands to Michael Gleiter;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;

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No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that they presented the above entitled bills to the Governor for his approval, March 31st.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assem. Com.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present for your signature

No. 551, A., a bill for an act to lay out a State road from Juneau county to Portage county.

No. 570, A., a bill for an act for the relief Soren Peterson;

No. 497, A., a bill for an act to constitute Shawano county a part of the tenth Judicial circuit, and to fix the terms of court therein;

No. 578, A., a bill for an act for the relief of John Bender;

No. 550, A., a bill for an act to require the Treasurer of the city of La Crosse to receive school district orders in payment of school tax;

And

No. 618, A., a bill for an act to authorize the commissioners of school and university lands to purchase certain lands therein named, and to appropriate moneys for the payment for said lands;

Which have severally been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature the following bills:

No. 141, A., a bill for an act to locate and establish school house sits;

No. 504, A., a bill for an act to amend the charter of the

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Milwaukee, Watertown and Baraboo Valley Railroad Company;

No. 52, A., a bill for an act to authorize William Knowles, his associates and assigns, to build and maintain a dam across the Pecatonica river;

No. 494, A., a bill for an act to amend chapter 121, of the Revised Statutes, entitled of the jurisdiction of justices in criminal cases and of the proceedings therein.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature the following enrolled bills:

Mem. No. 6, S., memorial to the Postmaster General for reinstatement of service on route 13,031;

No. 256, S., a bill for an act to incorporate the Winslow and Jamestown Railroad Company;

No. 358, S., a bill for an act in relation to the terms of the circuit court of Winnebago county;

No. 317, S., a bill for an act for the relief of the Frontier Bank, for its removal to Juneau, Dodge county, Wis.

Which have been signed by the Speaker.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present to you for signature the following bills:

No. 456, A., a bill for an act to authorize commissioners to vacate a certain territorial road in the county of Waukesha;

No. 485, A., a bill for an act relating to repairs of plank and turnpike roads;

No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

No. 40, A., a bill for an act to extend the time of payment of principal upon school and university land certificates;

No. 530, A., a bill for an act to amend chap. 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and to provide for improving the same;"

No. 395, A., a bill for an act to provide for the location and

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construction of a portion of the State road from Oshkosh to Green Bay;

No. 330, A., a bill for an act to amend section 11, of chapter 185, of the Revised Statutes entitled "of the State Prison;

No. 493, A., a bill for an act to amend chapter 184, of the Revised Statutes, entitled "of inquests of the dead;"

No. 615, A., a bill for an act to incorporate the village of Englesburg;

Which have been severally signed by the Speaker.

MESSAGE FROM THE ASSEMBLY.

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature

No. 337, S., a bill for an act in regard to testimony and witnesses;

No. 351, S., a bill for an act for the relief of Joseph Knurr of the county of Manitowoc;

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled of the publication of legal decisions;

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases;

No. 299, S., a bill for an act to amend section 12, of chapter 3, of an act to incorporate the city of Prescott, approved March 9th, 1857;

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge over the Manitowoc river;

No. 279, S., a bill for an act relating to the discipline of convicts in the State Prison;

No. 304, S., a bill for an act to amend chapter 157, of the Revised Statutes, entitled of actions against the State;

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes, entitled of the State Historical Society;

No. 348, S., a bill for an act to prohibit officers and agents of the State from contracting indebtedness against the State;

And

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections.

Which have been severally signed by the Speaker.

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MESSAGE FROM THE ASSEMBLY.

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:

I am directed to present for your signature

No, 506, A., a bill for an act to provide for the expenditure of the drainage fund moneys in the county of Trempeleau;

No. 517, A., a bill for an act to provide for the punishment of persons having in their possession counterfeit coin with intent to pass the same as false;

No. 381, a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled "an act to incorporate the village of Waupun;"

No. 34, A., a bill for an act to repeal certain portions of chapter 136, of the Revised Statutes, entitled "of writs and process;"

No. 562, A., a bill to amend an act entitled "an act to define, confirm and legalize the acts of a fish inspector in the city of Milwaukee;"

No. 37, A., a bill for an act in relation to the abatement and revivor of suits;

No. 383, A., a bill for an act to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved February 20, 1852, and to amend the several acts amendatory thereof;"

No. 458, A., a bill for an act to provide for the exemption of insurance money on homesteads;

No. 150, A., a bill for an act authorizing the Supreme Court to pronounce final judgment in certain criminal cases;

No. 509, A., a bill for an act to amend chapter 22, of the General Laws of 1859, relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;

No. 533, A., a bill for an act relating to the assessment of taxes;

No. 595, A., a bill for an act to vacate certain streets in the village of Sparta;

No. 544, A., a bill for an act to legalize the organization and records of the Lyceum of the city of Green Bay;

No. 640, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Watertown, for the years 1856, 1857, and 1858;

Which have been severally signed by the Speaker.

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REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills have presented to the Governor for his approval this 31st day of March, 1860, the following bills, to-wit:

No. 227, A., an act authorizing the laying out of a State road from Eau Claire, in Eau Claire county, to the mouth of the river Flambeau, in Chippewa county;

No. 429, A., an act to amend an act to incorporate the city of Sheboygan, and the several acts amendatory thereof;

No. 591, A., an act to appropriate to E. G. Garner the sum of $50 25;

No. 581, A., an act to provide for indexing and transcribing the journals of the Senate and Assembly;

No. 540, A., an act to appropriate a certain sum of money to the joint committee on State Prison;

No. 601, A., an act to appropriate to Mygatt & Schmidtner the sum of $200;

No. 484, A., an act relating to the assessment and collection of taxes on school, university and swamp lands, and of all lands mortgaged to the State;

No. 508, A., an act to legalize a certain State road therein named;

No. 368, A., an act to facilitate the collection of judgments;

No. 418, A., an act to amend an act entitled "an act to incorporate the village of Waterloo," approved March the 15th, 1859.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled, viz:

No. 279, S., an act relating to the discipline of convicts in the State Prison;

No. 340, S., an act to amend chapter 157, of the Revised Statutes, entitled of actions against the State;

No. 321, S., an act to amend chapter 81, of the Revised Statutes, entitled of the State Historical Society;

No. 351, S., an act for the relief of Joseph Knurr, of the county of Manitowoc;

No. 337, S., an act in regard to testimony and witnesses;

No. 201, S., an act prescribing the duties of county surveyors in the subdivision of sections;

No. 157, S., an act to enable the village of Manitowoc to build and maintain a bridge over the Manitowoc river;

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No. 98, S., an act to amend chapter 25, of title 8, of the Revised Statutes, entitled of the publication of legal decisions;

No. 348, S., an act to prohibit officers and agents of the State from contracting indebtedness against the State;

No. 299, S., an act to amend section 12, of chapter 3, of an act to incorporate the city of Prescott, approved March 9, 1857;

No. 120, S., an act relative to proceedings in county courts in certain cases.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills have presented to the Governor for his approval, this 31st day of March, 1860, the following bills, to-wit:

No. 551, A., an act to lay out a State road from Juneau county to Portage county;

No. 618, A., an act to to authorize the commissioners of school and university lands to purchase certain lands therein named, and to appropriate for the payment for said lands;

No. 550, A., an act to require the treasurer of the city of La Crosse to receive school district orders in payment of school tax;

No. 497, A., an act to constitute Shawano county a part of the Tenth Judicial Circuit, and to fix the terms ot court therein;

No. 570, A., an act for the relief of Soren Peterson;

No. 578, A., an act for the relief of John Bender.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills report that, on the 31st inst., they presented to the Governor for his approval the following bills:

No. 141, A., an act to locate and establish school house sites;

No. 52, A., an act to authorize Wm. Knowles, his associates or assigns to build and maintain a dam across the Pecatonica river;

No. 494, A., an act to amend chapter 121, of the Revised Statutes, entitled of the jurisdiction of justices in criminal cases, and the proceedings therein;

No. 504, A., an act to amend the charter of the Milwaukee, Watertown and Baraboo Valley Railroad Company.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

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The joint committee on Enrolled Bills report that on the 31st of March inst., they presented to the Governor, for his approval, the following bills, viz:

No. 195, S., a bill for an act to re-annex certain lands of the towns of Wauwatosa, Greenfield, Lake and Milwaukee to Milwaukee county;

No. 244, S., a bill for an act to provide for the payment of the chaplains to the Legislature for the year 1860;

No. 345, S.; a bill for an act to appropriate the sum of $4,000 for the purchase of stationery for the use of State officers and the Legislature for the ensuing year;

No. 269, S., a bill for an act to provide for issuing a patent of certain lands to Michael Gleiter;

No. 339, S., a bill for an act to appropriate to B. Domschke the sum of $155;

No. 311, S., a bill for an act to amend chapter 258, of the Session Laws of 1850, entitled "an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;

No. 211, S., a bill for an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

No. 192, S., a bill for an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

No. 370, S., a bill for an act to authorize the Secretary of State to audit certain accounts for newspapers;

No. 283, S., a bill for an act to appropriate the sum of five thousand dollars to the State Prison Commissioner;

No. 340, S., a bill for an act to appropriate to the commissioners of school and university lands of the State of Wisconsin, the sum of $750, as a contingent fund;

No. 158, S., a bill for an act relating to school, university, swamp and overflowed lands belonging to the State, and to repeal section 9, of chapter 29, of the Revised Statutes;

No. 264, S., a bill for an act to appropriate to J. W. Seeley, the sum of $36 25;

No. 331, S., a bill for an act to appropriate to Berliner and Bruno the sum of $20;

No. 343, S., a bill for an act authorizing the Secretary of State to audit certain accounts;

No. 270, S., a bill for an act to provide for the auditing of claims and accounts against the State;

No. 284, S., a bill for an act to grant a certain island in the Wisconsin River to Orestes Garrison and H. W. Jackson;

No. 11, S., a bill for an act to amend chapter 167, of the General Laws of 1859, entitled "an act to amend chapter 15, of the Revised Statutes, entitled of the assessment and collection of taxes;

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No. 279, S., a bill an act relating to the discipline of convicts in the State Prison;

No. 340, S., a bill for an act to amend chapter 157 of the Revised Statutes, entitled of actions against the State;

No. 321, S., a bill for an act to amend chapter 81, of the Revised Statutes entitled "of the State Historical Society;"

No. 351, S., a bill for an act for the relief of Joseph Knurr, of the county of Manitowoc;

No. 337, S., a bill for an act in regard to testimony and witnesses;

No. 201, S., a bill for an act prescribing the duties of county surveyors in the subdivision of sections;

No. 157, S., a bill for an act to enable the village of Manitowoc to build and maintain a bridge over the Manitowoc river;

No. 98, S., a bill for an act to amend chapter 25, of title 8, of the Revised Statutes, entitled of the publication of legal decisions;

No. 348, S., a bill for an act to prohibit officers and agents of the State from contracting indebtedness against the State;

No. 299, S., a bill for an act to amend section 12, of chapter 3, of an act to incorporate the city of Prescott, approved March 9, 1857;

No. 120, S., a bill for an act relative to proceedings in county courts in certain cases;

No. 317, S., a bill for an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge County, Wis.;

No. 256, S., a bill for an act to incorporate the Winslow and Jamestown Railroad Company;

No. 358, S., a bill for an act in relation to the terms of the circuit court in Winnebago county;

Also,

Mem. No. 6, S., a memorial to the Post Master General for re-instatement of service on route No. 13,031.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The committee on Enrolled Bills report that they have examined and find correctly enrolled the following bills, viz:

No. 317, S., a bill for an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge County, Wis.;

No 256, S., a bill for an act to incorporate the Winslow and Jamestown Railroad Company;

No. 368, S., a bill for an act in relation to the terms of the circuit court in Winnebago county;

Also,

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Mem. No. 6, S., memorial to the Postmaster General for re-instatement of service on route 13,031.

GEO. BENNETT, *Ch'n.*

The joint committee on Enrolled Bills report that on the 31st March they presented to the Governor, for his approval, the following bills:

No. 383, A., a bill for an act to amend the act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852, and to amend the several acts amendatory thereof;

No. 640, A., a bill for an act to provide for the re-assessment of certain taxes in the city of Watertown for the years 1856, 1857 and 1858;

No. 150, A., a bill for an act authorizing the supreme court to pronounce final judgment in certain criminal cases;

No. 562, A., a bill for an act to amend an act entitled an act to define, confirm and legalize the acts of a fish inspector in the city of Milwaukee;

No. 37, A., a bill for an act in relation to the abatement and revivor of suits.

No. 458, A., a bill for an act to provide for the exemption of insurance money on homesteads;

No. 533, A., a bill for an act relating to the assessment of taxes;

No. 381, A., a bill for an act to amend chapter 277, of the Private and Local Laws of 1857, entitled an act to incorporate the village of Waupun;

No. 34, A., a bill for an act to repeal certain portions of chapter 136, of the Revised Statutes, entitled "of writs and process;"

No. 509, A., a bill for an act to amend chapter 22, of the General Laws of 1859, relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof;

No. 506, A., a bill for an act to provide for the expenditure of the drainage fund money in the county of Trempeleau;

No. 517, A., a bill for an act to provide for the punishment of persons having in their possession counterfeit coin, with intent to pass the same as false;

No. 544, A., a bill for an act to legalize the organization and records of the lyceum of the city of Green Bay;

No. 595, A., a bill for an act to vacate certain streets in the village of Sparta.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

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RESOLUTIONS INTRODUCED AND CONSIDERED.

By Senator Maxon:

No. 97, S.,

Resolved, That the Secretary of State be, and is hereby, instructed to forward, at his earliest convenience, to the proper department at Washington, certified copies of all memorials relative to mail routes, passed at the present session of the Legislature; and the Chief Clerk of the Senate is hereby instructed to deliver to the Secretary of State a copy of this resolution.

Adopted.

Senator Curtis moved that the Senate do now adjourn till half-past 7 o'clock, Monday morning;

And the motion was lost.

Senator A. I. Bennett moved that the Senate do now adjourn till 7 o'clock, Monday morning;

And the motion was lost.

On motion of Senator Hotchkiss,

The Senate adjourned till quarter before 8 o'clock, on Monday morning.

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MONDAY, APRIL 2, 7.45 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.
Roll called and a quorum, to-wit, the following Senators were present:
Senators Bartlett, A. I. Bennett, G. Bennett, Burdick, Cox, Curtis, Eagan, Ferguson, Fratt, Gill, Hanchett, Hotchkiss, Hutchinson, Maxon, Simpson, Stewart, Taylor, Washburn and Worthington—19.
On motion of Sen. A. I. Bennett,
The Senate took a recess till half past eight o'clock.

8 1-2 o'clock, A. M.

Senate met.
Lieut. Governor in the chair.

RESOLUTION INTRODUCED AND CONSIDERED.

By Sen. A. I. Bennett:
Res. No. 98, S.,
Resolved, That the Chief Clerk be instructed to inform the Assembly that there is no business before the Senate awaiting its action;
Adopted.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof.

MR. PRESIDENT:
I am directed to present to you for signature, the following Enrolled Bills:
No. 11, A., an act to legalize the sale of lands for unpaid taxes in Douglas county;

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No. 518, A., an act to provide for the removal of the county seat of Dunn county;

No. 129, A., an act relating to the Milwaukee county court;

No. 652, A., an act to amend sec. 15, of chap. 183, of the Revised Statutes, entitled "an act of offences cognizable before justices of the peace;"

No. 221, A., an act to incorporate Religious Societies;

No. 546, A., an act to repeal sections 12 and 13, of chapter 47, of the General Laws of 1857, entitled "an act to change the name of certain persons therein named;"

No. 642, A., an act to amend an act entitled "an act to amend an act to incorporate the Mutual Life Insurance Co. of the city of Madison;"

No. 513, A., an act to provide for the holding of separate election polls in such towns in this State as comprise part of two or more Assembly districts;

No. 379, A., an act to revise and modify an act to incorporate the Milwaukee Cemetery Association of the city of Milwaukee, approved August 16, 1848;

No. 222, A., an act to provide for the inspection of plank, gravel and turnpike roads constructed by companies incorporated by special acts of the Legislature;

No. 600, A., an act to amend an act entitled "an act to incorporate the Merchants Mutual Insurance Co. of Milwaukee, and the acts amendatory thereof;"

No. 292, A., an act to amend sec. 39, of chap. 79, of the Revised Statutes, entitled "of general and special elections;"

No. 495, A., an act to cede to the town of Norway, in Racine county, the swamp and overflowed lands in said town;

No. 423, A., an act to repeal so much of sec. 6, of chapter 143, of the Private and Local Laws of 1857, as relates to the alteration of boundaries of the union school district No. 8, of the town of Monroe, in Green county;

No. 406, A., an act to incorporate the Delavan Academy;

No. 377, A., an act concerning warehouse receipts and bills of lading, and to repeal sec. 36, of chap. 165, of the Revised Statutes, entitled "of offences against property;"

No. 594, A., an act to amend sec. 16, of chap. 7, of the Revised Statutes, entitled "of general and special elections;"

No. 502, A., an act requiring publication of notice of proposed special or local legislation;

No. 585, A., an act to amend chap. 23, of the Rev. Statutes, entitled "of common schools;"

No. 603, A., an act to reduce the capital stock of the North Western Bank to forty thousand dollars;

Also,

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No. 407, A., an act to permit the board of supervisors of the several towns in the county of Milwaukee to lay out and open highways of the width of three rods.

Said bills were signed by the Speaker.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present to you for signature the following bills:

No. 633, A., an act restoring Horatio Mains to citizenship;

No. 539, A., an act to remove the county seat of Green Lake county;

No. 609, A., an act to amend chapter 90, of Private and Local Laws of 1859, entitled an act to authorize the Second Ward Cemetery Association, of the city of Milwaukee, to sell and convey a certain portion of their land;

No. 610, A., an act to amend chapter 80, of the act of a general nature of 1858, being a part of chapter 129, of the Revised Statutes, entitled of injunctions and writs of ne exeat, and of receivers;

No. 602, A., an act to reduce the capital stock of the Bank of Racine to $25,000;

No. 462, A., an act authorizing the town clerk of the town of Port Washington to convey real estate;

No. 621, A., an act to provide for the election of directors of the Manitowoc and Mississippi Railroad;

No. 637, A., an act providing for the filing of an official oath and bond of the county judge of Polk county;

No. 629, A., an act to perfect the Geological survey of the State;

No. 588, A., an act to cede jurisdiction to the United States over certain territory in the State of Wisconsin, for the erection of a light-house on Green Island, in Green Bay;

No. 616, A., an act to amend section 1, of chapter 107, of the Private and Local Laws of 1855, entitled an act to incorporate the Kenosha Female Seminary;

No. 653, A., an act to amend chapter 19, of the Revised Statutes, entitled of highways and bridges;

No. 577, A., an act for the preservation of fish in Lake Ripley;

No. 593, A., an act to provide for the disposal of the Drainage Fund in the county of Manitowoc;

No. 557, A., an act to authorize the laying out of a State road from the Manitowoc river to the village of Menasha;

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No. 622, A., an act to amend sections 1 and 3, of chapter 83, acts of a general nature of 1858, entitled an act to incorporate savings institutions;

No. 332, A., an act to protect certain counties, cities, towns and villages;

No. 291, A., an act conferring jurisdiction on the county court of Winnebago county;

No. 654, A., an act to change the name of Frank Pigle, and to establish his guardianship and heirship;

No. 634, A., an act restoring Charles W. Mains to citizenship;

No. 643, A., an act in relation to certain towns in St. Croix county;

No. 623, A., an act to authorize the German Bank to reduce its capital;

No. 422, A., an act to incorporate the village of Wausau;

No. 608, A., an act to incorporate the German Mutual Insurance Company, of Milwaukee;

Which have been signed by the Speaker.

REPORTS OF COMMITTEES.

The joint committee on Enrolled Bills report that, on the 2d of April, they presented to the Governor for his approval, the following bills:

No. 11, A., an act to legalize the sale of lands for unpaid taxes in Douglas county;

No. 518, A., an act to provide for the removal of the county seat of Dunn county;

No. 129, A., an act relating to the Milwaukee county court;

No. 121, A., an act to incorporate religious societies;

No. 652, A., an act to amend section 15, of chapter 183, of the Revised Statutes, entitled an act of offences cognizable before justices of the peace;

No. 546, A., an act to repeal sections 12 and 13, of chapter 47, of the General Laws of 1857, entitled an act to change the name of certain persons therein named;

No. 642, A., an act to amend an act entitled an act to amend an act to incorporate the Mutual Life Insurance Company of the city of Madison;

No. 518, A., an act to provide for the holding of separate election polls in such towns in this State as comprise parts of two or more Assembly districts;

No. 479, A., an act to revise and modify an act to incorporate the Milwaukee Cemetery Association of the city of Milwaukee, approved August 16, 1848;

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No. 222, A., an act to provide for the inspection of plank, gravel and turnpike roads constructed by companies incorporated by special acts of the Legislature ;

No. 600, A., an act to amend an act entitled "an act to incorporate the Merchants Mutual Insurance Co. of Milwaukee, and the acts amendatory thereof ;"

No. 292, A., an act to amend sec. 39, of chap. 79, of the Revised Statutes, entitled "of general and special elections ;"

No. 495, A., an act to cede to the town of Norway, in Racine county, the swamp and overflowed lands in said town ;

No. 423, A., an act to repeal so much of sec. 6, of chapter 143, of the Private and Local Laws of 1857, as relates to the alteration of the boundaries of the union school district No. 8, of the town of Monroe, in Green county ;

No. 406, A., an act to incorporate the Delavan Academy ;

No. 377, A., an act concerning warehouse receipts and bills of lading, and to repeal sec. 36, of chap. 165, of the Revised Statutes, entitled "of offences against property ;"

No. 594, A., an act to amend sec. 16, of chap. 7, of the Revised Statutes, entitled "of general and special elections."

The joint committee on Enrolled Bills report that on the 2d day of April, they presented to the Governor for his approval the following bills :

No. 421, A., an act to provide for laying out of a State road from the village of Kiel, in Manitowoc county, to the town of Calumet, in Fond du Lac county ;

No. 617, A., an act to appropriate to L. H. D. Crane the sum of $200 ;

No. 142, A., an act relative to persons mining for lead or other minerals ;

No. 545, A., an act to authorize the Governor of the State of Wisconsin to seize certain lands on Green Island for the use of the State.

GEO. BENNETT, *of Sen. Com.*
A. WOOD, *of Assembly Com.*

The joint committee on Enrolled Bills report that they have on the 2d inst., presented to the Governor for his approval, the following bills, to-wit :

No. 502, A., an act requiring publication of notice of proposed special or local legislation ;

No. 585, A., an act to amend chap. 23, of the Rev. Statutes, entitled "of common schools ;"

No. 603, A., an act to reduce the capital stock of the North Western Bank to forty thousand dollars ;

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No. 407, A., an act to permit the board of supervisors of the several towns in the county of Milwaukee to lay out and open highways of the width of three rods.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

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No. 610, A., an act to amend chap. 80, of the acts of a general nature of 1858, being a part of chap. 129, of the Revised Statutes, entitled of injunctions and writs of *ne exeat* and of receivers;"

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No. 629, A., an act to perfect the Geological Survey of the State.

No. 588, A., an act to cede jurisdiction to the United States over certain territory in the State of Wisconsin for the erection of a lighthouse on Green Island in Green Bay;

No. 616, A., an act to amend section 1, of chapter 107, of the Private and Local Laws of 1855, entitled "an act to incorporate the Kenosha Female Seminary;

No. 653, A., an act to amend chapter 19, of the Revised Statutes, entitled "of highways and bridges;"

No. 577, A., an act for the preservation of fish in Lake Ripley;

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No. 557, A., an act to authorize the laying out of a State road from the Manitowoc river to the village of Menasha;

No. 622, A., an act to amend sections 1 and 3, of chap. 83, acts of a general nature of 1858, entitled an act to incorporate Savings Institutions;

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No. 643, A., on act in relation to certain towns in St. Croix county;

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No. 608, A., an act to incorporate the German Mutual Insurance Company of Milwaukee.

C. MILLER, *of Assembly Com.*
GEO. BENNETT, *of Senate Com.*

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Esq., Chief Clerk thereof:

MR. PRESIDENT:

I am directed to present for your signature the following bills:

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No. 617, A., an act to appropriate to L. H. D. Crane, the sum of $200;

No. 142, A., an act relative to persons mining for lead and other minerals;

No. 545, A., an act to authorize the Governor of the State of Wisconsin, to seize certain lands on Green Island, for the use of the State;

Which have been severally signed by the Speaker.

The joint committee on Enrolled Bills report that, on the 2d day of April, they presented to the Governor for his approval, the following bills:

No. 421, A., an act to provide for the laying out of a State road from the village of Kiel, in Manitowoc county, to the own of Calumet, in Fond du Lac county;

No. 617, A., an act to appropriate to L. H. D. Crane the sum of $200;

No. 142, A., an act relative to persons mining for lead and other minerals;

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No. 545, A., an act to authorize the Governor of the State of Wisconsin to seize certain lands on Green Island for the use of the State.

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills report that on the 2d of April they presented to the Governor for his approval, the following bills:

No. 456, A., an act to authorize commissioners to vacate a certain Territorial road, in the county of Waukesha;

No. 485, A., an act relating to repairs of plank and turnpike roads;

No. 469, A., an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

No. 40, A., an act to extend the time of payment of principal upon school and university land certificates;

No. 530, A., an act to amend chapter 43, of the Private and Local Laws of 1859, entitled "an act to alter and establish the State road from Chilton to Menasha, and to provide for improving the same;

No. 395, A., an act to provide for the location and the construction of a portion of the State road from Oshkosh to Green Bay;

And

No. 330, A., an act to amend sec. 11, of chapter 188, of the Revised Statutes, entitled "of the State Prison."

GEO. BENNETT, *of Senate Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills report that they have, on the 2d instant, presented to the Governor the following bills for his approval, to wit:

No. 493, A., a bill for an act to amend chapter 184, of the Revised Statutes, entitled "of inquests of the dead;"

No. 615, A., a bill for an act to incorporate the village of Englesburg.

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assembly Com.*

The joint committee on Enrolled Bills report that on the 2d of April they presented to the Governor for his approval the following bills:

No. 456, A., a bill for an act to authorize commissioners to vacate a certain territorial road in the county of Waukesha;

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No. 485, A., a bill for an act relating to repairs of plank and turnpike roads;

No. 469, A., a bill for an act authorizing an increase of highway tax in the county of Douglas, and in certain towns in the county of Fond du Lac;

No. 40, A., a bill for an act to extend the time of payment of principal upon school and university land certificates;

No. 530, A., a bill for an act to amend chapter 43, of the Private and Local Laws of 1859, entitled an act to alter and establish the State road from Chilton to Menasha, and to provide for improving the same;

No. 395, A., a bill for an act to provide for the location and the construction of a portion of the State road from Oshkosh to Green Bay;

And,

No. 330, A., a bill for an act to amend section 11, of chapter 188, of the Revised Statutes, entitled "of the State Prison."

GEO. BENNETT, *of Sen. Com.*
C. MILLER, *of Assemblg Com.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
MADISON, April 2d, 1860.

To the Senate:

The following entitled bills, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

No. 334, an act to provide for the returned and treasurer's lists in certain towns in Sauk county, in the Pioneer am Wisconsin;

No. 342, an act to amend an act entitled an act to appropriate the islands in the Wisconsin river between a line running parallel with the 4th principal meridian, 10 miles east thereof, and a line running parallel with said meridian, 9 miles west thereof, to the Muscoda and Richland Bridge company;

No. 347, an act to change the time for the holding of the annual election for city and ward officers in the city of Racine, for the year 1860;

No. 282, an act to appropriate the sum of $25,000 to the State Prison Commissioner;

No. 23, an act concerning judgments in certain cases;

No. 202, an act to authorize Brainard D. Hill and Edward

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P. Carter to maintain and keep a bridge pier extending into Lake Michigan;

No. 215, an act to appropriate to James M. Maughs the sum of $25 10;

No. 216, an act to appropriate to James M. Flower the sum of 177;

No. 237, an act to annex part of the county of Chippewa to the county of Dallas;

No. 240, an act to organize the county of Door for judicial purposes;

No. 246, an act to revive the Rock Lake Cemetery Association;

No. 263, an act to appropriate to William Edgar the sum of $15 25;

No. 265, an act to appropriate to S. S. Keyes the sum of $23;

No. 272, an act to provide for the holding of the annual school meeting in school district No. 4, in the town of East Troy;

No. 278, an act to provide for the redemption and conveyance of unredeemed lands in Brown, Oconto and Kewaunee counties;

No. 287, an act to remit to the county of Portage certain indebtedness to the State;

No. 296, an act to appropriate to Rufus Parks the sum of $40;

No. 297, an act to appropriate to A. J. Langworthy the sum of $68;

No. 306, an act to appropriate to Thomas Gill the sum of $30;

No. 307, an act to appropriate to Thomas Knudson the sum of $38;

No. 308, an act to appropriate to William J. Gill the sum of $42;

No. 309, an act to appropriate to Francis Henwood the sum of $30;

No. 318, an act to authorize the city of Kenosha to levy a special tax for harbor improvement, and to repeal section 4, of subdivision 6, entitled "of taxation," of chapter 133, of the Private and Local Laws of 1857, entitled an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof;

No. 320, an act to provide for the disposal and expenditure of the Drainage Fund in the counties of Kewaunee and Door;

No. 335, an act to legalize the acts of the county board of supervisors of Manitowoc county, for the year A. D. 1859;

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No. 12, an act to amend chapter 12, of the Revised Statutes, entitled of notaries public;

No. 32, an act granting certain swamp and overflowed land to the counties of Crawford, Bad Ax and La Crosse;

No. 55, an act to establish an official State paper;

No. 254, an act to create the town of Forsyth, and to amend chapter 330, of the Private and Local Laws of 1857, incorporating the city of Berlin;

No. 301, an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes;

No. 323, to establish the terms of the circuit court in the counties of Crawford and Buffalo, in the Sixth Judicial Circuit;

No. 357, an act to appropriate to the Wisconsin State Hospital for the Insane, a sum of money therein named, to pay the debts existing against said institution;

No. 39, an act to appropriate to D. A. Reed the sum of $8;

No. 53, an act providing for the enclosing of railroads by fences;

No. 177, an act to establish a highway therein described;

No. 209, an act to amend section 106, of chapter 28, of the Revised Statutes, entitled of the school and university lands;

No. 281, an act to authorize the State Prison Commissioner to purchase or sell lands, as therein described;

No. 310, an act to appropriate to William Hawley the sum of $42;

No. 350, an act to provide for levying a State tax for the year 1860;

No. 352, an act to appropriate the sum of $8,500 to the State Reform School;

No. 195, an act to re-annex certain lands to the towns of Milwaukee, Wauwatosa, Greenfield and Lake, in the county of Milwaukee;

No. 158, an act relating to school, university, swamp and overflowed lands, belonging to the State, and to repeal section 9, of chapter 29, of the revised Statutes;

No. 264, an act to appropriate to J. W. Seeley the sum of $30 15;

No. 270, an act to provide for the auditing of claims and accounts against the State;

No. 283, an act to appropriate the sum of $5,000 to the State Prison Commissioner;

No. 284, an act to grant a certain island in the Wisconsin river to Orestes Garrison and H. A. Jackson;

No. 331, an act to appropriate to Berliner & Bruno the sum of $20;

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No. 340, an act to appropriate to the Commissioners of School and University Lands of the State of Wisconsin, the sum of $750, as a contingent fund;

No. 343, an act authorizing the Secretary of State to audit certain accounts;

No. 5, an act to amend chapter 167, of the General Laws of 1889, entitled an act to amend chapter 15, of the Revised Statutes, entitled of the assessment and collection of taxes;

No. 192, an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

No. 211, an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof;

No. 244, an act to provide for the payment of the chaplains to the Legislature for the year 1860;

No. 269, an act to provide for issuing a patent of certain lands to Michael Gleiter;

No. 311, an act to amend chapter 258, of the Session Laws of 1850, entitled an act to incorporate the Fort Winnebago and Duck Creek Plank Road Company;

No. 339, an act to appropriate to B. Domschke the sum of $155;

No. 345, an act to appropriate the sum of $4,000 for the purchase of stationery for the use of State officers and the Legislature for the ensuing year;

No. 370, an act to authorize the Secretary of State to audit certain accounts for newspapers;

No. 120, an act relative to proceedings in county courts in certain cases;

No. 6, memorial to the Postmaster General for re-instatement of service on route No. 13,031;

No. 98, an act to amend chapter 25, of title 3, of the Revised Statutes, entitled of the publication of legal decisions;

No. 157, an act to enable the village of Manitowoc to build and maintain a bridge over the Manitowoc river;

No. 192, an act to incorporate the Mississippi Bottom Plank Road and Ferry Company;

No. 201, an act prescribing the duties of county surveyors in the subdivision of sections;

No. 206, an act to incorporate the Winslow and Jamestown Railroad Co.;

No. 279, an act relating to the discipline of convicts in the State Prison;

No. 299, an act to amend section 12, of chap. 3, of an act to incorporate the city of Prescott, approved March 9, 1857;

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No. 304, an act to amend chap. 157, of the Revised Statutes, entitled "of actions against the State;"

No. 317, an act for the relief of the Frontier Bank, and for its removal to Juneau, Dodge county, Wis.;

No. 321, an act to amend chap. 81, of the Revised Statutes, entitled "of the State Historical Society;"

No. 348, an act to prohibit officers and agents of the State from contracting indebtedness against the State;

No. 351, an act for the relief of Joseph Knurr of the county of Manitowoc;

No. 337, an act in regard to testimony and witnesses;

No. 358, an act in relation to the terms of the circuit court in Winnebago county.

ALEX. W. RANDALL.

MESSAGE FROM THE ASSEMBLY,

By L. H. D. CRANE, Chief Clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed J. Res. No. 36, A.,

Appointing committee to wait on Governor;

And have appointed Messrs. Ordway and Keogh said committee on the part of Assembly;

In which the concurrence of the Senate is requested.

Said resolution was adopted by the Senate, and

The chair appointed Sen. Cox said committee on the part of the Senate.

RESOLUTIONS INTRODUCED AND CONSIDERED

On leave.

By Sen. Hotchkiss:

Res. No. 99, S.,

Resolved, That the Superintendent of Public Property be instructed to mail to each member and officer of the Senate the remaining portion of the daily journal containing the report of the joint committee of investigation and arguments on public printing as soon as the same shall have been received from the printer;

Adopted.

By Sen. Ferguson:

Res. No. 100, S.,

Resolved, That the Chief Clerk shall certify to the Superintendent of Public Property the names of all Senators who are in the Senate on the day of final adjournment, and that upon

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the delivery of such certificate the said Superintendent is hereby directed to deliver to the President, each Senator, the Chief Clerk, his assistant, and the Sergeant-at-Arms one copy of the sixth and seventh volumes of the Wisconsin Reports;

Adopted.

REPORT.

Sen. Cox of the select committee to wait on the Governor, reported that the joint committee had performed their duty, and that the Governor had no further communication to make.

The hour fixed by joint resolution for the final adjournment of the Legislature having arrived;

The President declared the Senate adjourned *sine die*.

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APPENDIX TO SENATE JOURNAL.

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IN SENATE MARCH 29, 1860.

APPENDIX A.

JOINT INVESTIGATING REPORT.

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REPORT

OF THE

JOINT INVESTIGATING COMMITTEE.

The joint standing committee for Investigation, having examined the official records in the several State Departments, submit the following report:

STATE TREASURER.

A thorough examination has been made in the office of the State Treasurer. The records of receipts and disbursements have all been examined, item by item; the vouchers have all been compared; the footings have been tested, and everything found correct. The banking securities, amounting, in the aggregate, to $4,975,120, have been carefully examined and found to correspond with the books and records of the office. The affairs of this department are all conducted in the most concise and business-like manner.

The following are the total receipts into the various funds from January 1st, 1859, to January 1st, 1860:

General Fund,	$583,866 03
School Fund,	119,506 54
School Fund Income,	183,063 28
Swamp Land,	14,244 90
Swamp Land Income,	54,959 79
University Fund,	8,879 75
University Fund Income,	20,369 68
Drainage Fund,	1,881 22
Drainage Fund Income,	5,725 87
Normal School Fund,	1,994 00
Deposit account,	623 71

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Disbursements.

From General Fund,	$490,480 91
School Fund,	88,869 63
School Fund Income,	192,680 47
Swamp Land,	30,297 89
Swamp Land Income,	571 38
University Fund,	5,053 40
University Fund Income,	21,010 99
Drainage Fund,	1,950 00
Drainage Fund Income,	27,178 22
Normal School Fund,	11,787 92
Deposit account,	1,654 18

SECRETARY OF STATE.

In the office of the Secretary of State, the examinations have been mostly confined to the securities of the several Trust Funds, and the various audited accounts.

The loan papers were mostly found in good order. A list of the loans, hereunto annexed, is marked (A.) and the several defects found to exist are noted. In those cases where your committee have noted as "no record of title from the United States," there was no record found in the counties where the land lies. It is presumed that the records were correct in the land office where the land was entered. Other marginal notes need no explanation. The record of loans show that certain parties have much larger loans from the school and other funds than is now allowed by law. In these cases, the parties have purchased forfeited mortgaged lands of the State, and hence they have the appearance of having obtained duplicate loans far beyond the amount authorized to be loaned to any one person. The attention of your committee has been repeatedly called to examine loan papers alleged to have been forged, or fraudulently made; but the vast amount of labor required to be done in making these investigations, during the session of the Legislature, makes it quite impossible to prosecute the examination of particular cases, unless all the proof requisite to elucidate the whole subject under consideration, can be readily obtained. More careful vigilance than has yet been exercised in the disposition of these trust funds, is needed to prevent their being dissipated, and eventually entirely lost. In a few cases of loans, no notes or mortgages were found. It is presumed they are yet in the offices of registers of deeds to be recorded.

During the year 1859, securities given for loans, to the amount of $56,374 24, have been forfeited to the State, viz:

From the School Fund,	$47,504 24
University Fund,	1,300 00
Drainage Fund,	7,570 00
	$56,374 24

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A large proportion of these securities may be regarded as comparatively worthless.

School Lands which have heretofore been sold for.....	$164,818 11
University Lands to the amount of.....	21,611 97
And Swamp Lands to the amount of.....	201,950 68
Or an aggregate principal of.....	$388,380 76

Have been forfeited to the State during the past year. This amount of the principal forfeited, together with the amount forfeited on mortgaged lands, $56,374 24, makes a total aggregate of principal forfeited of $444,755 00. Thus the income of these several funds, in 1859, was reduced more than $31,000.

PUBLIC PRINTING.

Since examining the accounts of the Public Printer, we find as appears from the vouchers on file in the office of the Secretary of State, that there was audited during the year 1859, for doing the public printing and advertising of all kinds, the total sum of $76,938 93, of this amount $20,850 43 is for advertising in the "Wisconsin Patriot," leaving $56,088 50, as the amount audited for work alleged to have been done under the existing contract for doing the public printing.

Recollecting that the commissioners of printing in awarding the contract to the present contractor, had figured that his contract, for a year's work on the "official basis," would amount to but $6,471 59, and well aware that there has been no such increase of work over the estimate contained in said basis, as the great excess of charge would require, your committee felt it to be its duty to examine particularly into the causes which have led to this startling result. These causes they have ascertained to be, as they believe, simply a neglect or violation of duty on the part of the auditing officers, in auditing as correct accounts, in violation of the contract. A charge of this magnitude is made only, after a most thorough examination. Your committee is at a loss to imagine how two opinions could permanently have obtained, as to the interpretation of the leading features of that contract. They can find no ground for a difference of opinion, when carefully examined in all its parts.

If your committee are mistaken in the construction which they put upon the contract to do the public printing, then in violation of the constitution and the law, this contract was let to the *highest*, instead of the *lowest* bidder.

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The work done by the contractor, for the State Printing proper, by which we mean, all work exclusive of advertising and extra copies of the "Wisconsin Patriot," for which the sum of $56,088 50 has been audited to him, embraces no more than the full amount of work naturally belonging to a year's service. Yet that sum exceeds by twenty-six thousand four hundred and fifty-nine dollars and fifty cents, the *highest* bid, that of Messenger & Co. as shown on page 746 of the Senate Journal of 1859—of the seven competing bids before the commissioners at the time this contract was awarded to the present contractor; it being in fact nearly one hundred per cent. higher than the highest bid before the commissioners. This fact which cannot possibly be denied or disputed, with success, is conclusive that there has been gross neglect or violation of duty *somewhere*. Your committee have been unable to find any evidence of neglect or violation of duty on the part of the commissioners in awarding the contract, but on the contrary, find abundant evidence to show that they, not only at the time of the letting of the contract, but subsequently, and to this date, understand it substantially as does your committee, after a careful examination of the law and the contract. We are therefore forced to relieve the commissioners of any imputation of a design or intention to make a contract at variance with the letter and spirit of the law. The chief cause of the wide difference of opinion between the contractor and your committee is found mainly in the fact, that the contractor seeks to have work accounted for, and has had it so audited under the following heads, which is not in accordance with the law and the contract:

1st. Displacing, unwarrantably, some of the items in a class, in which there is no dispute about the class to which they belong.

2d. Counting half sheets, or less than half sheets, as whole ones, and quires of blanks as quires of sheets, in the third class in blank work for the several departments. This has been the rule. There are only a few exceptions.

3d. Calling as "*extra incidental*" work the most natural and unavoidable, and every year required, and of a character which fixed its position in the class to which it belonged, so as to preclude it from being legitimately "extra incidental."

4th. Allowing specific items in another class than that fixed by the law and the contract.

5th. In printing at highest contract prices, comparatively large amounts ordered by the Secretary of State, Bank Comptroller, and Superintendent of Public Instruction, wholly unauthorized by law.

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6th. An exorbitant charge and allowance for advertising in the "Wisconsin Patriot" a class of notices, both in the Daily and Weekly where the law only contemplated a weekly publication, and in the same connection receiving an allowance for advertising forfeited school, university and swamp lands, of $1 60 a description, in excess of what your committee deem either just or legal.

There is no ambiguity, that we can discover, in the law or the contract, that will justify the action of the auditing officers in so far acceding to the claims of the contractor, as to audit accounts in the manner set forth above, changing as it does the whole end and aim of the Commissioners in awarding the contract, viz: to guard the interests of the State, by letting the printing contract to the lowest bidder. Everything is clearly and distinctly set forth, and could not be well or easily misunderstood, and, as your Committee will show, was not misunderstood, either by the Commissioners or the contractor, but on the contrary we have the proof that both understood it substantially alike, when the contract was perfected, and also at a subsequent period, and as your Committee understand it now. The Commissioners of Printing advertised extensively for bids for the work. They set forth the specifications and carefully prepared an estimate of the probable amount of work required to be done. The kinds of work belonging to the several classes was distinctly stated, and the kind of work that belonged under the separate heads or items of each class was also clear, as well from common and universal understanding, as from the official basis or estimate of work required.

The First Class was stated to be "comprising all printing incident to the business of the two houses while in session." The official basis of work required in this class shows, that this class embraced the Annual Reports of the several State Departments, and State Institutions, required by law to be made to the Governor; the bills of the two Houses, and the daily slips of the two Houses. The same basis, too, shows clearly, that in paper for book work, was included the paper for the Annual Reports, and the daily slips; and in paper for bill work, and extra incidental jobs, was included paper for the objects mentioned. To make this plain to the most obtuse, whether professional printers or not, your Committee proceed to explain:—The basis calls for the printing of 80,000 pamphlets in the First Class. It also calls for printing incident to the business of the two Houses of the Legislature, while in session. Whatever else this business may embrace, there can be no rational doubt in relation to its providing the paper for these pamphlets, and the daily slips. For these items, 6,750 quires

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of book paper were provided. For the bills of the two Houses, and for such "extra incidental" jobs as unforeseen exigencies might require, 2,000 quires were provided.

But the account of the Public Printer, for work in the first class, embraces scarcely a charge for paper under the head of book-paper, which he is obliged by the contract to furnish at the rate of 1-1000th of a cent per quire; nor does it intimate any as used, save a few quires for printing the Legislative Manual, so small in amount as scarcely merits being noticed as an exception; while the amount of paper for bills and extra incidental jobs, for which it was estimated 2,000 quires would be ample, and for which 75 cents is allowed by the contract, is swelled to the enormous amount of more than 52,000 quires; the contractor assuming, and the auditing officer allowing, the pamphlet work as extra incidental; and charging for the paper used in said work, and for the press-work on the same, as though it was cap size; when your committee know that light book-paper, or ordinary print paper, double-medium size, was actually used in doing the work.

In further confirmation of the fact that the contractor did not disagree with the commissioners when the contract was made, we call attention to the "Protest" of the contractor and assignee, to be found in Senate journal for 1859, commencing on page 151, made when the contract was entered into, as follows:

"5. Because, under *the most favorable construction* which the written law, the law of the craft, and the specifications place upon the matter, I could no more than obtain pay enough to cover *costs;* and if I am held to the construction a majority of the commissioners have (no doubt) mistakenly placed upon the items of work in the third class, I could not save my *outlays* by thousands of dollars."

Here, it will be seen, the contractor claimed a peculiar construction of items in the third class, to enable him to cover *costs* on his contract as a whole. Without this favorable view of his third class work he could not "save his outlays by thousands of dollars;" showing beyond a doubt that at that time he had not concluded to attempt the dvelopement of the mine of wealth, in the work in the first class, (however much pencil marks on the inside of the covers of some of the pamphlets may now reveal the preparation he made for giving plausibility to his present claims,) or he would not have been so tenacious and solicituous to eke out, by construction, a few hundreds from the third class printing, "to cover costs," when all the excess in that class for a year's work, and embracing the jobs thrown in by favorites, foots but $4,937 74 above the contract price, while the item of pamphlet work alone, as allowed by the

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auditing officers, takes, if paid, from the treasury more than $33,000 above contract price. Is it probable that, with the idea of charging for the pamphlets as incidental work, clearly defined in his own views, and with a purpose unshaken in regard to demanding it, he was yet besieging the Legislature to construe his contract so as to "save costs?"

Again, it will be seen, by the testimony of the State Treasurer, Mr. Hastings, and Mr. Watson, the Private Secretary of the Governor, hereunto annexed, marked B, that both Ross, the contractor, and Carpenter, the assignee, refused, while this contract was pending and unperfected, to take the annual Reports of the State departments to print, because, their contract not being perfected, they were not *obliged* to take them, and it could not be expected that they would take work which paid them nothing, while they did not refuse to take work which, by the terms of the contract, paid them a profit. The contractor refused the work, and it was engaged to be done by Atwood & Rublee, and paid for outside of this contract. By this testimony it is clear that, at *that time*, the contractor and assignee did not differ with the commissioners on the interpretation of this portion of the contract. The commissioners figured that it paid the contractor for *nothing but the press-work;* the contractor and assignee said the same in refusing the work, and thus when the contract was entered into, there was a perfect understanding and agreement between the commissioners, the contractor and the assignee.

There is abundant evidence, too, that this opinion continued on the part of the contractor for some time after the contract was entered into. For instance, on the 9th day of February, 1859, between two and three months after the contract was perfected, the contractor sent a communication to the Senate, [see page 240, Senate journal,] in which he stated that by the most liberal construction that could be given to his contract, his receipts for the work of the session could not exceed $13,000; yet his account as rendered, and finally audited, for the work of the session, is more than $30,000.

On the 10th of March, appears on page 668, Senate Journal, the first evidence of the discovery, or rather disclosure, of this new construction of the contract, on which day appears another communication from the contractor, hinting this construction as a compromise, not claiming it as a legal right, as he would have done if it really existed. This construction was subsequently embraced in an act which passed the Legislature, and was vetoed by the Governor, on the ground that it interfered with and changed the contract. Up to this time, with the exception of blanks, there does not appear to have been any

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difference of opinion between the commissioners and the contractor. What has transpired since, your committee would ask, to exalt the attempt at compromise, vetoed by the Governor, so that it now becomes a part of the law and the contract? Your committee can find nothing but the passage of a joint resolution by the Senate, which was not concurred in by the Assembly, as an examination of the Assembly Journal will show, and which was not heeded by the auditing officers, as a reference to the endorsements on the back of the audited accounts will show. The auditing officers, with a full knowledge of the law and the contract, and knowing that the attempt at a compromise had failed, leaving the contract as it originally stood, save the modification authorized by the report of the Judiciary committee of the Senate, [see page 555, Senate Journal of 1859,] audited this work, as set forth in the following tables, on precisely the same construction as that set forth in the bill returned to the Senate without the approval of the Executive.

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Book or Pamphlet work entitled to pay for press work with the exception of the last item, viz: the Governor's Message and accompanying documents.

1859.	No. of Vouch	No. of Pages.	No. of Copies.	Name of Report.	Amount Claimed.	Amount Allowed.	Amount of Contract.	Exc's over Contract.
March 24 .	625	8	5,000	Report of House of Refuge,.....	344 10	344 10	$ 13 23	330 87
March 24..	626	16	5,000	Report of Hospital for the Insane,.....	535 63	535 63	26 46	509 17
March 24..	626	42	5,000	Report of Land Commissioners, ...	1,250 29	1,250 29	535 00	715 29
March 24..	626	64	5,000	Report of State Prison Commissioner,.....	1,620 12	1,620 12	105 21	1,514 91
March 24..	626	34	5,000	Report of Adjutant General,.....	1,250 29	1,250 29	66 15	1,184 14
March 24..	626	20	5,000	Report of Bank Comptroller, 1st part,.....	1,074 18	1,074 18	39 69	1,034 49
March 24..	626	78	5,000	Report of Board of Regents,.....	1,964 22	1,964 22	131 67	1,832 55
March 24..	626	10	5,000	Report of State Agricultural Society,.....	535 63	535 63	26 46	509 17
March 24..	626	12	5,000	Report of Geological Survey,.....	535 63	535 63	26 46	509 17
March 24..	626	10	5,000	Report of Fox & Wis. River Improvement Co.	535 63	535 63	26 46	509 17
March 24..	626	26	5,000	Governor's Message,.....	892 96	892 96	52 92	840 04
April 20...	730	130	5,000	Report of Bank Comptroller, ordered by Leg..	3,213 78	3,213 78	1,592 40	1,621 38
April 20...	730	24	5,000	Assessment Law,.....	714 66	714 66	344 10	370 56
April 20...	730	84	5,000	Report of Investigating Committee,.....	2,142 52	2,142 52	1.057 40	1,085 12
Dec. 23...	1016	64	5,000	Report of Deaf and Dumb, and Insane,.....	1,784 47	1,784 47	105 21	1,679 26
Dec. 21...	1016	44	5,000	Treasurer's Report,.....	1,250 29	1,250 29	78 75	1,171 54
Dec. 20...	1016	192	5,000	Report of Secretary of State, ...	4,464 08	4,464 08	315 00	4,149 08
Dec. 23...	1016	120	5,000	Bank Comptroller's Report,.....	2,857 19	2,857 19	197 19	2,660 00
Dec. 28...	.....	206	6,000	Report of Sup't of Public Instruction,.....	5,778 03	5,778 03	409 50	5,368 03
	847 800 801	....	1,100	Governor's Message and Acompanying Docs.,	6,318 79	6,318 79	000 00	$6,318 79
					$39,062 52	$39,062 52	$5,149 26	$33,918 26

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In the above table will be found four items, viz: the Report of the School Land Commissioners, the Bank Comptroller, the Assessment Law, and the Report of the Joint Investigating Committee, which are computed as extra incidental jobs, on book paper, for the reason they were ordered by resolution of the Legislature and therefore out of the line of pamphlet printing, for which the contractor receives only pay for press work.

In the Third Class, in connection with blanks, the contractor claims that every blank, or part of a sheet, shall count a sheet, and every twenty-four blanks, or parts of sheets, shall count a quire. To correct this construction which, under other laws and contracts, had become a great abuse, the present contract provided, in accordance with section 4, of chapter 114, of the General Laws of 1858, "that in estimating the several items of blanks in the Third Class, that in no case shall 24 blanks be counted as a quire of blanks, unless 24 sheets be necessarily used."

The accounts, in detail, of the Third Class, or Blank Work of the Departments, the Legislative Printing, and the advertising, as claimed, as allowed, as computed by your Committee, and the excess allowed above contract price, are too voluminous to incorporate into this Report. They are all on file, so far as not given in this report in full, so that the action of the Committee on each item can easily be ascertained. On the construction, then, plainly the legitimate one in reference to the First and Third Classes, and counting the Second Class to comprise the Journals and Documents of the two Houses, and all General and Local Laws, as is not disputed, save in the one item of Documents, to which we shall hereafter refer, your committee, by the aid of practical and disinterested printers, viz: J. A. Smith, of the Fond du Lac *Commonwealth*, H. L. Rann, of the Whitewater *Register*, and J. M. Doty, of the recent *Badger State*, have compiled the following tables, which show clearly the state of this printing matter, in its several features, as found in and computed from each voucher.

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Amount of Printing audited and paid for the year 1859, *as shown by the vouchers and cancelled certificates.*

No. of Vouch	Date of Auditing.	Amount Claimed.	Am't allowed by Sec. of State.	Am't. certified to by St. Compt'r.	Amount paid by State Treas.	Amount as per Contract.	Exc's. over Contract prices.
520	Feb'y. 25, 1859...	$762 60	$762 60	$762 60	$762 60	$538 15	$224 45
625	March 23. 1859...	3,274 26	3,274 26	3,274 26	3,274 26	2,650 72	623 54
626	March 24, 1859...	14,874 80	41,874 80	14,874 80	14,874 80	1,561 63	13,313 17
668	March 2, 1859...	293 60	293 00	293 00	293 00	146 50	146 50
669	March 2, 1859...	269 00	209 00	209 00	209 00	104 50	104 60
673	March 2, 1859...	11 90	11 90	11 90	11 90	11 90	.....
729	April 21, 1859...	535 80	510 80	535 80	510 80	248 20	262 60
730	April 20, 1859...	6,070 96	6,070 96	6,070 96	6,070 96	2,993 90	3,077 06
751	April 21, 1859...	598 00	152 00	152 00	152 00	152 00	.....
752	April 18, 1859...	100 60	14 90	14 90	14 90	9 90	5 00
755	April 18, 1859...	82 60	82 60	82 60	82 60	49 70	32 90
800	June 18, 1859...	2,455 31	2,175 71	2,175 31	2,175 31	794 80	1,380 51
801	June 28, 1859...	3,435 20	3,435 20	3,435 20	3,435 20	5 48	3,429 72
847	July 1, 1859...	1,773 89	1,773 89	1,773 89	1,773 89	3 55	1,770 34
		Total, as certified by Comptroller,		.....$33,641 22	$33,641 22	$9,270 93	$24,370 29
860	Aug. 22, 1859...	120 00	120 00	.....	120 00	120 00	.....
946	Oct'r. 7, 1859...	3,023 30	3,023 30	.....	3,023 30	2,485 10	538 20
*947	Oct'r. 15, 1859...	1,044 75	759 75	.....	759 75	423 10	336 65
973	Nov'r. 16, 1859...	202 90	202 90	.....	202 90	78 90	124 00
1015	Dec'r. 12, 1859...	337 10	265 10	.....	265 10	236 55	28 55
1152½	Dec'r 12, 1859...	80 50	80 50	.....	80 50	40 25	40 25
1054	Dec'r. 12, 1859...	81 00	81 00	.....	81 00	36 00	45 00
1132¼	Dec'r. 23, 1859...	3 00	3 00	.....	3 00	3 00	.....
Total,.....		$39,370 87	$38,176 77	.....	$4,535 55	$3,422 90	$1,112 65
		$39,370 87	$38,176 77	$33,641 22	$38,176 77	$12,693 83	$25,482 94

*See Table of Unpaid Accounts, showing part unpaid

Accounts audited by the Secretary of State and unpaid.

No. Voucher.	Date of Auditing.	Am't Charged.	Am't Allowed.	Amount due as per Contract.	Excess Allowed.	Am't due for adv. School & Univ. Lands computing each description at 50 cts. each.
977	Nov. 16, 1859	$ 69 20	$ 69 20	$33 10	$36 10	.....
979	Nov. 21, "	2,304 00	2,304 00	63 63	2,240 37	.....
1016	Dec. 30, "	16,134 06	16,134 06	1,105 65	15,028 41	.....
*947	Oct. 15, "	69 40	69 40	40 65	28 75	.....
903	Oct. 15, "	750 00	750 00	000 00	750 00	.....
1053	Dec. 23, "	19,618 20	9,809 10	.....	7,484 10	$2,325 00
1113	Dec. 28, "	17,984 40	8,992 20	.....	6,851 20	2,141 00
1132	Dec. 29, "	1,264 20	634 20	.....	483 70	150 50
	Total, ...	58,193 46	38,762 16	1,243 03	32,902 63	4,616 50

* Balance of Voucher 947 unpaid.

The foregoing tables show that the contractor has received an account of public printing and advertising, from February 25th, 1859, to January 1st, 1860, inclusive, $38,176 77,—that the entire work of the year, for which accounts had been rendered, if computed at contract prices, as we understand the contract, by giving it as liberal a construction as its plain and literal terms will justify, and adding to the State Printing proper, the advertising, as we think is just, liberal and legal, amounts to $18,553 36—showing that the contractor has already been overpaid $19,623 44. The contractor has charged for work done as per vouchers, $97,565 33, of this amount the ex-Secretary of State and his deputy have audited $76,938 93, and the Treasurer has paid $38,176 77, leaving still unpaid $38,762 16; of the amount already paid $33,641 22 was countersigned by the State Comptroller, and $3,422 90 was paid by the Treasurer, as audited by the Secretary, after the discontinuance of the Comptroller's office.

The amount paid, in excess of contract prices, on the certificate of the Secretary, countersigned by the Comptroller, is $24,370 29. The amount of excess paid by the Treasurer, are the accounts audited by the Secretary, after the Comptroller's office was abolished, is $1,112 65, making the aggregate excess paid $25,482 94. The Treasurer paid all audited accounts which were countersigned by the Comptroller, and he continued to pay on the auditing of the Secretary after the office of the Comptroller was abolished, until he became convinced that accounts were audited in flagrant violation of the contract, which he, as one of the commissioners, had assisted

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in making, when, upon orders received from a majority of the commissioners of printing, he took the responsibility of refusing payment and abiding the decision of the courts.

Of the audited accounts now in the Treasurer's office, $38,-762 16, only $5,859 53 is properly charged, leaving $32,902 63, which we consider an unjust claim. Add to this last amount overpaid, and we have an aggregate excess of $58,385 57. In this, there is not the justification or consolation that the printer, although he may have received more than his contract called for, nevertheless received no more than the work was worth.

True, your committee are aware that the most extravagant statements are made by the contractor and other interested persons on this point, all asserting and going to show that if these claims are all finally paid, the contractor will scarcely realize a living compensation for his labor and material. The best test of the truth of all such assertions, is to be found in what other responsible parties offered to do the same work. The bid of B. E. Hale & Co., made at the time the contract was awarded, was a fair bid in all its features, and free from the fractional extravagances of some of the others. Every item in it contemplated a living remuneration for the work done. The work then, exclusive of advertising, for which the contractor has been audited $56,088 50 and paid $36,781 94 out of the gross amount he has received; in the following table is analyzed into all its parts, and accurately tested by the bid of B. E. Hale & Co. And in this connection it is proper to remark, is included all the work that the contractor is obligated to do for nothing:

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Bid of B. E. Hale & Co. as applied to the work audited and including the Laws, Journals, and Messages and Accompanying Documents.

First Class.			
Composition,.....ems	8,752,000	$0 20	$1,750 40
Press Work,.....tokens	4,854	28	1,359 12
Paper, (book work).....quires	16,564	12	1,987 68
Paper for Bills, cap size and incidental jobs	6,549	12	785 88
Folding,.....sections	613,000	4	245 20
Stitching per 100 pamphlets,.....	93,000	48	446 40
Second Class.			
Composition,.....ems	7,100,000	20	1,420 00
Press Work,.....tokens	3,487	28	976 00
Paper, (book),.....quires	16,492	12	1,979 04
Folding,.....sections	798,900	4	319 56
Binding,.....paper	1,100	8	88 00
Binding,.....pasteboard	12,200	18	2,196 00
Binding,.....cloth	500	18	90 00
Third Class.			
Cap or Letter,.....quires	1,684	37	723 08
Flat Cap,.....quires	1,010	45	454 50
Folio Post,.....quires	41	50	20 50
Medium,.....quires	2,068	70	1,447 60
Blank Books,.....quires	66	1 82	120 12
			16,409 08

By this table it appears that all the work, for which the present contractor has been allowed $56,088 50, and actually paid $36,781 91 of the sum, Hale & Co. agreed to do for $16,409 08; less than one-third the amount allowed to the present contractor, and less than one-half the sum he has actually received; yet no disinterested judge would deny that their bid would "cover costs," and leave a fair profit.

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In the following table is shown the work done for the five principal departments, requiring work in the third class, and over the ordering of which work each principal of the department has control; but which, it will be seen, has, in the offices of the Secretary of State, Bank Comptroller and Superintendent of Public Instruction, been largely delegated to deputies:

Departments.	Am't chargd	Allowed on orders from deputies.	Allowed on orders from principals.	Full allowance.	Proper allowance per contract.	Excess allowed.
Secretary of State,	2,468 95	2,443 95	25 00	2,468 95	2,158 53	310 42
State Treasurer,	227 00	.....	194 50	194 50	164 50	30 00
Bank Comptroller	1,954 60	419 30	1.522 70	1.942 00	831 25	1,110 75
Supt. Pub. Instruc.	3.926 70	1,452 10	2,406 60	3,858 70	915 38	2,943 32
Land Commissioners	1,092 70	.....	744 70	744 70	428 85	315 85
	9.669 95	4,315 35	4,893 50	9,208 85	4,498 51	4,710 34

In the printing orders from the office of the Secretary of State, we find that almost the entire portion was ordered by the deputy. The printing of envelopes, hereinafter alluded to, is partly chargeable to this department, viz: $55 30 of the amount—half sheets, or less, were accepted as whole ones—which last remark applies to the auditing of nearly all the work ordered by the other departments.

The amount of excess paid and audited on printing ordered from the Bank Comptroller's office is $1,110 75.

The excess in the printing for the School Land Commissioners is caused by auditing half-sheets, and less than half-sheets, as whole ones.

The excess audited for printing done for the State Treasurer is attributable to the same cause.

But in the department of the Superintendent of Public Instruction, your committee find the most unwarrantable use of the power of ordering printing vested in the principal of the department, apparently that the printer might obtain the largest amount of money for the least service rendered, of any ordering which has been brought to our notice.

The law provides that this officer shall transmit to each school district a copy of all amendments made each year to the school law. The amendments last year were all printed upon four pages—two leaves, common document size, on ordinary print paper. The ordering was given for 84 quires of medium blanks, on both sides, and audited at $504. Nor was this all: to get this document to its destination 60 quires of medium en-

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velopes were ordered printed, at an expense of $180 more. Then again the Legislature of 1859 passed a Library law. The Superintendent of Public Instruction, without any law requiring it, proceeded to make "Remarks on Library Law," and ordered his views printed on 210 quires of medium blanks, on both sides, at $6 per quire, amounting to $1,260. This document being printed, it required 120 quires of "medium wrappers," costing $360, in which to envelope it while going to its destination. Thus the "Remarks on the Library Law," in getting before the public through the agency of the Superintendent, absorb $1,620 of the School Fund Income. In examining the orders for the above items of work, amounting as the audited account shows to $2,304, we find the orders were all given by the Assistant Superintendent of Public Instruction, and each order is accompanted by the following peculiar certificate:

"I hereby certify that the paper used in executing the within order is necessarily of medium size—that being the size in which paper of this kind is almost invariably made."

Your committee cannot account for the ordering of these items of work, in this unusual manner, with a certificate attached, unlike anything connected with any other order for printing, on any ground of common honesty.

Your committee find that $2,943 32 was audited for this department in excess of contract prices.

The whole number of envelopes and wrappers ordered printed by the Secretary of State and the Superintendent of Public Instruction was 236 quires, at a cost of $596, or more than ten cents for each single envelope or wrapper. When it is remembered that the State, through the Superintendent of Public Property, answers all the demands of each department for envelopes, and all other stationery, and when the State pays the hire of clerks whose duty it is to give these envelopes their proper direction, your committee can find no excuse whatever for such a course of proceedings on the part of public servants. There is no provision whatever, either in the law or contract, for printing envelopes or wrappers.

The next item we call attention to is the advertising of the forfeited school, university and swamp lands. For this service $38,950 80 was charged by the printer, who assumed that each description of land is a folio, and that there were 9,282 folios, which at $4 20 per folio, would make the above sum. This account was audited at $19,519 50. A majority of the Commissioners of School and University Lands, when the "copy" was given to the contractor, put their reasons on record for believing that the sum to be paid for the service should

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not exceed fifty eents for each description, as is allowed by law to other papers, the Wisconsin Patriot not being an exception to the rule, for the reason that it is not a State paper, and for the additional reason that the commissioners had control over the matter to fix the price. If the construction which a majority of the school land commissioners put upon this work is correct, of which we have no doubt, then the contractor should received $4,655 50 instead of $38,980 50, as was claimed.

The undersigned have been reminded that there is a large amount of work which the contractor has done for nothing. That it may be known how much is expended upon work of this kind, we have tested, by the bid of B. E. Hale & Co.—regarded by all as a fair bid—the full amount of such work, viz: the General and Local Laws, the Journals of the two Houses, the large pamphlet containing the Message and accompanying documents, and the blank books, and find the entire amount is $6,985 58.

There are no other items of work which, by the terms of the law and the contract, the public Printer is bound to do for nothing.

The Reports for 1859, for which bills have not been rendered, are not greater in amount than the Reports of 1858, which went over to the contractor through the default of Calkins & Webb to fulfill their contract; hence the declaration made in the commencement of this report, that the work in question "embraces no more than the full amount naturally belonging to a year's service."

Among the paid accounts there are three items for printing the Governor's Message and accompanying documents, which amount to $6,318 79, which without question belong to the second class. That it was not doubted, or claimed differently, prior to Feb. 9, 1859, by the contractor, but on the contrary an admission was made by him that placed the work where your committee place it. On page 241, of Senate Journal for 1859, in speaking of the sum it cost to do a specified amount of State printing during the session of the Legislature, he said: "These figures apply exclusively to the State work during the session, and do not include the laws, journals and public documents, which I *am obliged to do for nothing;*" showing beyond a question that the idea of charging for the public documents was an after thought. Yet the charge for this document was subsequently made. That the auditing officers viewed it in the same light that the contractor did is evident from the fact, that when the original charge was made it was all embraced in one bill, and rejected by the auditing officers. The Attorney General was then appealed to, and he decided that the auditing officers

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were right in refusing to audit the account. The claim was then withdrawn, and as appears by the vouchers before your committee, was afterwards divided into three different accounts, under three different dates, but all for the same identical work, and the entire amount of $6,318 79, once rejected, was andited and paid. Your committee are at a loss to know how the auditing officers can justify such a course of action. At a late day in the session your committee were informed that there had been collusion between certain State officers and the contractor, or his assignee; but we have no time, just at the close of the session, to prosecute our examinations in this direction, as justice to the parties would require. The only testimony in regard to this matter which your committee have taken, is the following affidavit of Judge Hood, of this county:

STATE OF WISCONSIN, }
County of Dane, } *ss.*

Thomas Hood, of said County, being duly sworn, in answer to the question whether he knows on what terms Beriah Brown became last connected with the Wisconsin Patriot office, as sub-editor, says: "In the spring of the year A. D. 1859, I had a conversation with S. D. Carpenter, on the subject of his employing Beriah Brown in the office of the Wisconsin Patriot, in which conversation Carpenter said to me, as near as I can, now recollect, substantially this: that there was certain printing for some of the State Departments, that might or might not be done, or be authorized to be done by the Secretary of State; that by employing said Brown he could secure that printing, and would be able to realize a profit thereupon, much more than sufficient to pay said Brown the wages he was to pay him for the time he should remain in his employ. I think Carpenter told me he was to pay him at the rate of two thousand dollars per annum."

THOS. HOOD.

Subscribed and sworn before me, this 20th day of March, A. D. 1860. A. E. BOVAY,
Member of Joint Com. of Investigation.

Your committee are not unaware of the various pleas and reasons urged to justifiy the action of the auditing officers, and even still more culpable construction of the contract, but they do not deem them worthy of more extended notice. When it appears clearly what the commissioners designed; when it appears that the contractor understood their designs, accepted the contract and acquiesced in it on that understanding, no plea nor claim changing that understanding, and, really, the contract, should have a particle of weight, unless it plainly ap-

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peared that the contract was not possibly susceptible of the construction given to it, and did, positively and unquestionable, command and require the construction which the contractor demands for it. This question, then, arises: Is the contract not susceptible of the constrution put upon it, and understood by all parties when it was entered into? Plainly no law, no language, no rule of the craft, no difficulty whatever interposes to prevent its having and maintaining the construction given. Why, then, should it not maintain that constrnction? Why then should we *change* or attempt to *change* it? Does any rule of law demand that it *shall* or *must* take the construction which the contractor demands? If so, then it ceases to be the *lowest* bid, and becomes the *highest*. In that case, the commissioners erred in their duty, and violated both the constitution and the law in letting it; the contarct ceases and becomes void for want of authority, and the printer should legitimately have only a fair compensation for the work done, which he has already had, more than twice over, and is entitled to nothing further at the hands of the Legislature.

Never was a more impudent claim preferred, it seems to your committee, than this demand of the contractor for public printing, that a contract which he entered into as the *lowest* of the eight bids before the commissioners, he should now be permitted to figure a hundred per cent., nearly, higher than the *highest*,—an impudence which is very naturally accompanied with the threat that this contract with the public printer really involves a quarter of a million of dollars for the contractor out of the Treasury. And this threat reveals the whole character of all this effort to change the meaning and character of this contract. It may be changed to a quarter of a million, or a million, either, as easily as it has been changed from $18,000 to $76,000; and it is just as incumbent on the State and auditing officers to accept the plea which makes it a quarter of a milion, as those which have already made it $76,000. They are all *after-thoughts*, subterfuges designed to obtain money from the Treasury, worth not a moment's thought, and which should not be for a moment yielded to.

BANK COMPTROLLER.

Your Committee having thoroughly examined the books, papers, certificates, receipts and funds in the office of the Bank Comptroller submit the following, as a brief exhibit of the result of their labors in this Departmemt.

The whole number of Banks in the State on the 2d day of January, 1860, was one hundred and eight; of which number

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eighty-nine were doing business and nineteen were in process of winding up.

The total capital, on that day, of the eighty-nine banks doing business, was	$7,670,000 00
Their total circulation was,	4,476,231 00
Showing a diminution in the banking capital of the State in past year of,	105 00
And a decrease of the Banking circulation within the same period of	14,168 00
The above circulation was secured by stocks of various kinds, deposited with the State Treasurer, the par value of which in the aggregate, was	4,975,120 00
And their actual or estimated value, on that day, was	4,456,794 00
In addition to these stock securities, the Comptroller's books show that he had in his possession, on the same day, specie belonging to the banks doing business (see Statement "C," herewith submitted) the sum of	25,241 50
Showing an excess of stock, at their estimated value, and specie, over circulation, amounting in the aggregate to	5,804 50
The circulation, on that day, of the nineteen banks winding up, (see Statement "D," herewith submitted) was	133,201 00
This circulation was, according to the requirements of the law, fully secured by a deposit of specie, with which the bills of such banks are redeemed by the Comptroller, whenever presented, amounting, as appears by the books, (see same Statement) to	133,204 00
Showing a total of specie on deposit, belonging to banks doing business, and to banks winding up, of	158,445 50

Your Committee have no doubt whatever that the foregoing figures are, in all respects correct, provided certificates of deposit and bankers receipts are to be deemed and taken to be "specie."

The examination of the Committee into the affairs of this department was completed on the 24th day of February, at which time, according to the books, there was of specie in the vaults, the sum (see Statement "E" herewith submitted) of	164,948 00
And it was in the following form—of actual coin there was found to be the sum of	25,000 00
Two letters from the Cashier of the Bank of North America, in the city of New York, acknowledging the receipt of stocks which had been sold and placed to the credit of the Bank Comptroller, amounting, in the aggregate, to the item mentioned in said Statement "E," of	87,206 50
Certificates of deposit, as mentioned, and two not mentioned, in said Statement, making altogether, of coin, letters of acknowledgment, and certificates of deposit, the aforesaid sum of	164,948 00

Statement "F," (herewith submitted) exhibits the same aggregate as Statement "E," and it also exhibits the items that make up that aggregate, and the several banks which are credited with those items respectively.

Statement G., (herewith submitted,) shows the whole amount of stocks deposited as security by Wisconsin Banks, the different kind of stocks, the par value and estimated value of each

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kind, and the total par and estimated values of the several kinds, on the 2d day of January.

Statement H., (herewith submitted,) exhibits the stock sales of these several kinds of stocks, for the six months previous to the 1st of January, 1860, in the city of New York; and it is from averages obtained from this statement that the estimated value of stocks mentioned in this report is obtained.

Your committee would call particular attention to the facts contained in statement J., herewith submitted.

From that statement it appears—and your committee have no doubt of its entire correctness—that fifty-one banks, doing business in this State, whose names are therein mentioned, being over one-half the whole number in the State, exclusive of those which are in process of winding up, have an excess of circulation over their cash and stock deposits amounting in the aggregate to the sum of $16,448. In the case of any single bank the excess is small; it reaching in two instances, and only two, to the sum of $850, and in some instances being less than $20.

But the fact that so large a majority of our banks have an excess, however small of circulation over securities, your committee considers one of considerable import; and, taken in connection with the further fact contained in statement G., where it appears that over forty per cent of our present banking basis consists of Missouri "sixes," it becomes, in our opinion, a matter of very grave importance.

It is no offset to say that, taking the whole number of banks doing business in the State, the aggregate of securities over circulation is considerable. It is admitted that thirty-eight of these banks have a fair excess of securities over circulation, but this excess is in no way to be credited or imputed to the still larger number which have an excess the other way.

For this condition of things, your committee are of the opinion that the law provides an ample remedy; and they are further of the opinion that this remedy ought to be speedily applied.

Your committee have discovered but one leakage in the present banking laws of the State, and that one is comparatively insignificant. As the law now is—or as it is construed—a bank winding up may at any time withdraw all its securities from the Treasurer, by depositing with the Comptroller cash equal to the amount of its outstanding circulation. This may be done at a time when its semi-annual tax is just about to fall due, and in that case the State, which had a lien on the securities for the tax, but has none on the cash, loses the tax.

In this way the State has lost by two banks during the past

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year, the sum of $1,125. The committee have already reported a bill designed to prevent such losses in future.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The records in this office have been kept in a good business-like manner—613 copies of Webster's Unabridged Dictionaries, comprising the whole number on hand during the year 1859, have been distributed to school districts, in accordance with law. Fifty-nine appeals have been decided and recorded; 48 volumes have been added to the library of the office; over 2,300 letters have been received and answered during the year.

SUPERINTENDENT OF PUBLIC PROPERTY.

Every thing in this office has been conducted in a highly creditable manner. Vouchers for all disbursements of stationery have been carefully examined.

There was received during the year 1859, stationery amounting to	$12,120 48
Stationery disbursed in 1859,	6,863 70
Inventory since 1st of Jan., 1860, of amount on hand,	5,256 78

The disbursements to the several departments is as follows:

To the Legislature of 1859,	$4,049 35
Republican State Convention,	16 78
Democratic State Convention,	21 97
State Board of Equalization,	96 15
Executive office,	198 94
Secretary's office,	763 92
State Treasurer,	248 70
Bank Comptroller,	309 51
State Comptroller,	30 50
Supreme Court,	290 16
Attorney General,	79 89
Supet. Public Instruction,	241 36
State Librarian,	28 77
Adjutant General,	11 66
State Land office,	330 30
Board of Regents of Normal Schools,	19 83
Supt. Public Property,	55 55
Miscellaneous,	70 36
Total,	$6,863 70

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Statement of the amount of Postage audited by the Secretary of State for the following departments, for the year 1859:

Executive,	$325 05
Secretary of State,	1,242 48
Treasurer,	461 66
Bank Comptroller,	315 00
Supt. of Public Schools,	865 13
Attorney General,	140 47
Clerk of Supreme Court,	151 38
State Historical Society,	55 00
Superintendent of Public Property,	34 80
Total,	$3,590 97

The salaries and clerk-hire for the office of Secretary of State for the year 1859, was	$7,321 97
State Treasurer,	2,933 00
Bank Comptroller,	7,484 72
State Land Bureau,	13,650 51
Supt. of Public Instruction,	3,600 00
Supt. of Public Property,	1,000 00
Total,	$35,090 20

In conclusion, your committee take pleasure in saying that they have been materially aided in their examinations by the uniform courtesy, the ready suggestions, and the help cheerfully rendered, of all the officers and their assistants in the several departments.

M. M. DAVIS, *of the Senate.*
A. E. BOVAY, *of the Assembly.*

The undersigned, a member of the joint committee of Investigation, deems it his duty to say that he has been unable to give that attention to the doings of the committee that he feels the importance of the matters the law commits to their hands demands.

It is out of the power of any committee of the Legislature during the session thereof, to make a personal examination of all the matters that the Investigating committee are directed to inquire into, without in a great measure abandoning their other legislative duties; and, having been placed on other important committees, the undersigned has, in much of the investigation, had no part.

So far as his knowledge extends, the report of the committee as read to him, has his hearty assent.

A. E. ELMORE, *of the Assembly.*

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A.—LIST OF LOANS.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			Bad Ax County.—School Fund.					
June 22,	Jane&S D Powers	$500 00	n hf se qr,....	14	11	7	80	no record of title from United States.
			Brown County.—School Fund.					
Feb'y 4,	John Axtel,.....	300 00	ne qr,.....	10	24	23	160	land in Kewaunee county.
Nov. 2,	D. Cooper Ayers..	193 00	se qr nw qr,.....	30	24	23	40	no record of title from U. S. and land in Kewaunee county.
			Buffalo County.—School Fund.					
Apr. 12,	Jesse Bennett,...	368 00	sw qr se qr and e hf sw qr,.....	11	19	11	120	
Dec. 29,	Andrew Baertsch.	300 00	n hf sw qr,.....	34	12	11	80	note signed in blank.
			Columbia County.—School Fund.					
Jan. 31,	B. F. Everett,....	400 00	e hf ne qr,....	3	10	10	80	
Apr. 6,	John R. Jones,...	250 00	w hf of nw qr,.....	8	12	12	80	
Mar. 26,	Owen J. Owens,..	250 00	nw qr of sw qr, ...	15	12	8	40	
July 15,	Michael Calahan,	200 00	w hf ne qr,.	22	13	7	80	J. Calahan, mortgagor.
July 15,	Lyman Elmore,..	150 00	sw qr ne qr,.....	35	13	8	40	only one appraiser.
Oct. 5,	Francis Hagan,..	350 00	ne qr nw qr,.....	32	13	9	40	John Hagan and wife, mortgagors
Nov. 14,	Thos. P. Sweetser,	127 00	s hf sw qr and the und. hf of the se qr se qr	21	10	10	40	
Nov. 14,	S. N. Small,.....	500 00	undivided 1-6 part of lot 3,.....	9	12	9	.....	
Dec. 26,	Sewell W. Abbott,	500 00	e hf w hf nw qr and ne qr nw qr of lot 33 and the e hf of the following sw qr of sw qr, (for full description see mortgage),	..	..	..	.....	
Dec. 30,	Thos. Christopher	350 00	und. hf of the following, lots 6 and 7, in blk 259, in the city of Portage,.	..	..	..	.. ....	
Dec. 30,	Thos. Christopher	100 00	lot 16, in blk 245, in the city of Portage,...	..	..	..	.....	

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				Dodge County.—School Fund.					
Feb.	17,	Bryan Traynor,..	400	00	e hf nw qr,.....	10	9	15	80	
Mar.	7,	Jacob Englehart,	130	00	sw qr of the sw qr,.....	11	10	15	40	
May	11.	Benj. Ferguson,..	1,200	00	w hf nw qr and the sw qr ne qr,..... ...	23	13	33	120	judgment against the mortgagor.
					University Fund.					
May	11,	Martin & Elmore,	300	00	62 acres on the west side of the w qr of se qr	21	11	15	62	only one appraisor.
					Dane County.—School Fund.					
Jan.	8,	Du Ray Hunt,...	350	00	lot No. 17 in Hoyt's sub-division to out lot No. 3 and lot No. 2, and 47 links off the west sid of lot No. 3, in blk No. 1, univ. addition to the city of Madison,.....	..	..	..	.....	
Jan.	19,	F. A. Scofield,...	400	00	e hf nw qr,.....	26	11	13	80	land in Dodge county.
Jan.	19,	F. A. Scofield,...	400	00	w hf sw qr,.....	18	13	4	80	land in Sauk county.
Jan.	19,	F. A. Scofield,...	250	00	w hf of e hf ne qr,.....	22	9	13	40	land in Jefferson county.
Jan.	19,	James Morrison,.	400	00	e hf se qr,.....	12	4	1	80	no title except such as is acquired through a tax deed, land in Iowa county.
Jan.	28,	J. F. Randolph,..	125	00	sw qr of ne qr and se qr nw qr,.....	11	18	8	80	clerk of court does not mention Smead's name in his certificate.
Jan.	28,	Wakeley&Tenney	300	00	nw qr of sw qr and ne qr of sw qr,.....	23	8	12	80	
Feb.	17,	Ansel Pelton,....	459	00	n hf ne qr,.....	16	7	10	80	
Jan.	13,	John A. Byrne,..	400	00	sw qr ne qr,.....	12	9	8	80	
Jan.	19,	John A. Byrne,..	365	00	s hf sw qr of sec. 13, and n hf nw qr (Iowa county,) also lot or fraction No. 15 in..	24 1	6 1	1 5	.....	No. abstract of title from the register of deeds of La Fayette Co. in which one piece lies, mortgage not recorded in Iowa county.
May	30,	L. H Waterbury,	250	00	nw qr ne qr,.....	1	9	7	40	
July	13,	L. H. Waterbury,	250	00	sw qr ne qr and n hf of sw qr of the se qr,	1	9	7	60	
Nov.	16,	Joseph C. Ford,..	200	00	se qr ne qr sec. 8, and the sw qr of nw qr,...	9	9	2	80	land in Richland county.
Nov.	14,	Simeon P. White,	127	00	n hf sw qr of sec. 21, and the und hf se qr se qr	20	10	10	120	
Aug.	1,	Gabriel Bjornson,	400	00	n hf sw qr,.....	30	5	16	75	No. certificate from the clerk of board of supervisors.
Dec.	3,	Cath'n Myers,...	150	00	lot No. 9, in blk 127 in the city of Madison,	..	..	..	.....	

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A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			Dane County.—Schoool Fund—continued.					
Jan'y 4,	Wakeley & Tenney	$200 00	w hf ne qr of sec. 18, and sw qr of nw qr and nw qr of nw qr and nw qr sw qr of sec. 19, nw qr se qr sw qr of ne qr of sec. 30, all in.....		5	12		
			and the n hf se qr of.....	3	5	10		
			and the e hf ne qr.....	13	6	10		
			Eau Claire County.—School Fund.					
June 15,	Louisa Randall,..	500 00	s hf ne qr and n hf se qr.....	5	26	7	160	
Aug. 26,	Charles M. Goss,	200 00	e hf se qr and se qr ne qr.....	14	26	9	120	
			Fond du Lac County.—School Fund.					
Mar. 31,	John B. Morey,..	300 00	sw qr of the nw qr,.....	35	14	16	40	
Dec. 19,	G. W. Mitchell,..	200 00	lots 4, 5, 6 and 13, in Grants and Mitchel's addition to the village of Ripon,.....					Only one appraiser.
			Green County.—School Fund.					
Jan'y 4,	John Sutherland,	300 00	ne qr ne qr,.....	34	3	8	40	
			Grant County.—School Fund.					
Feb. 4,	John Kumber,...	500 00	nw qr,.....	13	4	3	160	No record of title from U. States.
			Green Lake County.—School Fund.					
Jan. 28,	Chas. A. Mather,	158 00	n hf se qr, and the sw qr se qr,.....	4	18	12	120	
Dec. 28,	Wm. Stewart,...	225 00	commencing at se corner of nw qr of.... thence n 40 r, thence w 24 r, thence s 40 r, thence e 24 r, to place of beginning, containing 6 acres; also lot 11, bl'k 4 of the original plat of Berlin,	3	17	13		No certificate of the clerk of the board of supervisors as to the first mentioned six acres.

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				Iowa County—School Fund.				
March 4.	Henry Patterson,.	420	25	the e ⅝ of the ne qr	21	8	4	100	
July 16.	M. S. Hinman,...	500	00	w hf ne qr and the ne qr ne qr	2	4	2	117	M. M. Strong, mortgagor.
Sept. 3.	Margaret Lloyd,.	250	00	e hf sw qr	28	8	4	80	No record of title from U. States.
Sept. 26.	F. A. Nelson,....	360	00	se qr se qr and the ne qr ne qr	14	8	4	.....	No record of title from U. States.
				and the nw qr sw qr	23	8	4	.....	
Nov. 28.	L. S. Whittlesey,.	500	00	lots 3, 5, and 9, in block 12, in Strong and others addition to Mineral Point					No record of deed of partition to J D. Doty, through whom Whittlesey obtained his title.
Dec. 6.	M. B. McSherry,.	500	00	outlot No. 129, in Harrison's survey of the city of Mineral Point					No record of title from U. States.
Dec. 29.	John Storgner,...	200	00	nw qr ne qr, ne qr nw qr, and w hf nw qr	23	6	5	160	No record of title from U. States.
Dec. 19.	El'n B. McSherry	100	00	lot No. 130, in Harrison's Survey of Mineral Point,					M. B. McSherry, no evidence of title in mortgagor.
Mar. 19.	N. W. Dean,.....	350	00	se qr ne qr, and s hf sw qr of ne qr	1	4	1	60	
				Jefferson County—School Fund.					
Mar. 5.	Geo. Silverthorn,.	363	00	s hf se qr	16	6	13	80	No title papers found.
Aug. 26.	O. S. Brandon,...	266	66	lots 1 & 2, in blk 18, in the village of Jefferson, and lots 2 & 3 in block 3, in Sanborn's add. to Jefferson,					
Oct'r. 3.	Geo. Hibbard, ...	500	00	e hf s hf ne qr & e hf of lot 1 on the right bank of Rock River,	14	7	14	65	
	Jane Daugeraty,.	500	00	w hf se qr	1	4	1	80	
	S. N. Small, ...	400	00	lot 3 and sw qr of se fr qr	35	5	15	13	No app. and cer. from Clk of Board
	.....do	250	00	e hf w hf ne qr.	22	9	13		
	.....do	300	00	n hf se qr	7	9	14	80	
	Carl Schurz,.....	300	00	lot No. 14, cont. 1 a. excl st. in blk No. 19 in J. W. Cole's addition to Watertown..					
				Juneau County—School Fund.					
May 9..	S. N. Small,.....	170	00	se qr nw qr & s hf se qr & e hf sw qr.. ..	10	16	4	200	
				Juneau County—University Fund.					
..	S. H. West,.....	300	00	e hf ne qr	14	17	4	80	

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A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			La Crosse County—School Fund.					
Mar. 28.	John Wheldon,..	240 00	sw qr of sw qr.....	27	17	5	40	
Feb. 21.	John M. Barlow,.	500 00	w hf of se qr.....	10	16	7	80	
June 20.	Harriet T. Smith,	375 00	und hf of e hf ne qr, nw qr ne qr.....	29	15	7	120	
June 15.	Sarah W. Rublee,	500 00	sw qr nw qr and nw qr sw qr.....	3	16	6	80	
			La Crosse County—Drainage Fund.					
Mar. 2..	C. W. Marshall,.	400 00	e hf sw qr and w hf se qr.....	21	19	5	160	Land in Jackson county.
			Lafayette County—School Fund.					
April 25	F. & L. Burgess,.	400 00	ne qr se qr and se qr ne qr of sec. 33 and sw qr of nw qr, e hf nw qr, and nw qr ne qr of sec 34, & und hf of w hf nw qr	30	4	4	265.50	
			Lafayette County—Drainage Fund.					
Nov. 27.	Owen Melghan,..	500 00	se qr se qr	26				
			se qr ne qr..... ...	35				
			sw qr nw qr.....	36	4	3	120	
			Manitowoc County—School Fund.					
Mar. 21.	William S. Wells,	450 00	w hf of lot 3 blk 230, and lot 3 blk 326, village of Manitowoc,.....					Certificate of the Clerk Court does not give names of all the grantors
	S. N. Small,.....	120 00	se qr ne qr.....	13	18	23		
	S. N. Small,. ...	500 00	sw qr	28	20	24	160	Only one appraiser and no record of title from U. S. and the title come through a tax deed.
April 27.	L. Binkleman,...	200 00	lot No. 6, in blk 285, Manitowoc,..... ..					
May 27.	Sarah B. Dunn,.	300 00	ne qr se qr.....	31	19	23	40	
Aug. 6..	Charles Roeser,..	250 00	n fr (or lot 2) of se qr.....	7	18	24		No record of title from U. S.

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Aug. 17,	Geo. Reed,	500 00	se qr,	26	20	20	160	land in Calumet county.
Sept. 4.	Chas. Pizzula,	120 00	nw qr of ne qr,	35	19	23	40	
			Monroe County.—School Fund.					
Jan. 15,	E. R. Harris,	125 00	ne qr sw qr and nw qr se qr,	11	17	1	80	
Mch. 28.	O. P. McClure,	500 00	sw qr ne qr and se qr nw qr,	28	18	3	80	
Mch. 28,	Chas. D. Bradley,	125 00	se qr sw qr and sw qr se qr,	11	17	1	80	
Nov. 17,	E. H. Anderson,	400 00	e hf ne qr, sec. 7, w hf nw qr, e hf sw qr, nw qr sw qr, sec. 8, and the ne qr nw qr of sec. 17,	..	19	2	320	
Dec. 7,	M. R. Gage,	200 00	lot 6, bl'k 3, lot 17, bl'k 6, village of Sparta	..	..	..	.....	
Dec. 21,	Chas. Cole,	400 00	nw qr ne qr and ne qr nw qr,	33	17	2	80	no record of title from U. States.
Jan. 21,	Alden Cram,	120 00	w hf sw qr,	10	17	1	80	
			Marquette County—School Fund.					
Feb. 28,	William Davidson	300 00	n hf se qr,	16	16	9	40	
May 9,	Bradford Welch,	311 15	lots 7, 8, 9 and 10, in block 2, Montello,	..	..	..	....	only one appraiser.
May 9,	R. Ethridge,	500 00	lots 1 and 2, except a strip 45 feet wide across the south side, and se qr nw qr,	23	15	9	140 .37	
Oct. 6,	Elanah K. Smith,	200 00	nw qr ne qr,	32	16	9	40	
Oct. 6,	Elanah K. Smith,	300 00	e hf of w hf of nw qr,	29	16	9	40	
Oct. 6,	Frank Hyde,	300 00	se qr nw qr,	20	15	9	40	one of the appraisers is a justice of the peace.
			Milwaukee County.—School Fund.					
Mch. 9.	Ephr'm Marriner,	500 00	ne qr nw qr, sec. 22, nw qr ne qr, and se qr se qr and s hf se qr, sec. 26, and s hf sw qr, sec. 15, nw qr nw qr, sec. 22, ne qr ne qr, sec. 21,	..	..	..	.....	land lies in Sauk county. No appraisal, but an affidavit of Mr. Flanders.
April 25,	J. H. Cordus,	500 00	the s 20 feet of lot 2, in block 37, in the 3d ward of Milwaukee,	..	..	..	.....	no certificate clerk circuit court.
Mch 19,	Thos. Hislop,	324 00	n hf lot 3,	16	7	22	2 .93	no certificate clerk b'd supervisors.
			Outagamie County.—School Fund					
July 30,	M. H. Scofield,	500 00	sw qr,	3	28	15	160	

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A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	R'nge	Acres	Remarks.
			Ozaukee County.—School Fund.					
March 9,	William Payne,..	$100 00	und hf of lots 31, 32, 33 and 34, blk 7, and lots 20, 21, 22, 23, 24, 25 and 26, blk 8, in the ne addition to Port Washington,	..	..		.....	no record of title from U. States.
May 6,..	F. W. Horn, ...	200 00	3 acres of land in e hf se qr,.....	8	10	21	....	judgm't lien on said land $1,237 11
			19 acres of land in nw qr sw qr, ...	9	10	21		
Dec. 31,.	Chas. G. Miller,..	200 00	s hf w hf nw qr,.....	27	9	21	40	no record of title from U. States, and no appraisal.
			Pierce County.—School Fund.					
Feb. 26,.	Jas. M. Bailey, ..	450 00	sw qr nw qr. sec 2, and e hf ne qr, sec 3,..	..	24	18	120	
			Portage County.—School Fund.					
March 5,	Andrew O. Brown	250 00	sw qr se qr and s hf nw qr..... ...	20	23	8	120	
July 15,	Geo. W. Cate, ...	300 00	und hf ne qr se qr nw qr se qr, ne qr sw qr andsw qr ne qr, ne qr nw qr, ...	28	24	8	200	
			Portage County.—Drainage Fund.					
Feb. 7,..	H. W. Walbridge,	250 00	sw fr qr,....	19	22	7	104	
			Rock County.—School Fund.					
Jan. 26,.	Edwin Case, ...	200 00	se qr nw qr,.....	29	4	11	80	
Feb. 4,.	D. H. Babbitt, ...	236 00	lot 4, ...	20	4	12	50	
Feb. 27,.	John Jones,. ...	200 00	e hf sw qr,....	9	3	12	80	no record of title in the mortgagor.
March 9,	Chas. B. Ellis, ...	200 00	nw qr se qr,.....	1	13	18	....	
	S. N. Small,. ..	500 00	sw qr ne qr,.....	4	4	12	40	
			Racine County.—School Fund.					
April 19,	Ann McDonald,..	250 00	lots 9, 11 and 12 sw qr, ...	16	15	2	.....	no appraisal.
			nw qr nw qr,.....	36	15	4	.....	no certificate of clerk of the board
			nw qr sw qr, ...	3	16	4	.....	

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May 11,..	James Yates,....	$500 00	n hf ne qr,.....	25	3	21	74	
Sept. 21,	M. I. Sprague,...	300 00	nw qr,.....	35	22	24	160	land in Kewaunee county.
Oct. 10,..	Lawrence Dufour,	200 00	w hf s hf, blk 45, city of Racine,.....				.....	no record that E. Colvin, grantor to L. Defour, had any title to land.
Nov. 12,..	S. F. Heath,.....	300 00	blk 86, sec 16, Racine,.....					
Dec. 28,..	Albert Hartshorn,	500 00	lots 11 and 12, blk 27, city of Racine,..					
Sept. 19,	Alfred Payne, ...	500 00	commencing at nw qr nw qr, thence south on sec line 18 67-100 chains, to the centre of the late laid out road from the house occupied by W. H Roe, to Kenzie's mills, thence east, along the centre of the said road, 1 6-100 chains, thence north to the nrth line of said sect'n, thence wst 1 chn 6½ links, to the place of beginning; containing two acres. Also, part of the ne qr, sec 18, T 3, R 23, beginning in the east line of said qr, 20 35-100 chains nrth of the se corner of said qr, thence north 40° west 9 75-100 chains, in the centre of the road, thence north 3 50-100 ch'ns, thence northerly 63° east, about 78-100 chains, to the section line, thence south 13 63-100 chains, to the place of beginning, containing 6 acres,..	17	3	23		
Nov. 12,..	Julius Wooster,..	500 00	lot 9, blk 5, sec 16, as returned by the appraisers of school and university lands to the office of Secretary of State,..					
Mar. 10,	H. E. Hubbard, ..	200 00	sw qr ne qr,.....	3	4	22	40	
	R. W. Smith, ...	200 00	w hf e hf sw qr,.....	15	3	22	.....	no appraisal,
			Richland County.—School Fund.					
Aug. 16,.	Asa McCollum, ..	200 00	se qr nw qr and sw qr ne qr,.....	8	9	2	80	
			Richland County.—University Fund					
Dec. 17,..	David B. Young,.	350 00	fraction 4, ...	36	9	1	62	no record of title from U S

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A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			Sauk County.—School Fund.					
Dec.	S. N. Small,.....	$400 00	e hf of nw qr,.....	16	12	5	80	
Jan. 4,	John Miles,.....	100 00	e hf of e hf of ne qr of ne qr,.....	10	12	4	10	
Jan.	M. Carmichael,..	250 00	nw qr of sw qr,.....	29	11	6	40	
Feb. 2,	D. B. & E. Rudd,	200 00	nw qr of sw qr, and w hf ne qr of sw qr,	21	12	4	60	no record of title from the U. States.
Aug. 10,	Susan H. Scofield,	500 00	n hf of ne qr, sw qr of ne qr, & s hf of se qr,	16	13	2	160	
Sept. 12,	Henry Jacobs,...	250 00	sw qr of sw qr,.....	29	11	6	40	
Nov. 22,	Hiram Miller,...	250 00	e hf of nw qr,.....	6	9	6	84.22	no record of title from U. States, and Mary A. Miller, mortgagor.
Nov. 22,	Hiram Miller,...	250 00	w hf of nw qr,.....	6	9	6	77	no record of title from U. States, and Mary A. Miller, mortgagor.
Feb. 4,	James B. Bradford	300 00	se qr of nw qr,.....	31	10	6	40	no record of title from U. States, and no note or mortgage.
			Sheboygan County.—School Fund.					
Jan. 31,	Henry Otten,....	500 00	n 90 ft. of lots 1 and 2, in bl'k 154, Sheboygan,.....					
Mar. 15,	Samuel D. Gault,	250 00	commencing at the nw corner of e hf nw qr of..... running thence e 54 rods, thence s 11 rods, thence w 15 rods, thence s 149 rods, thence w 39 rods, thence n 160 rods to the place of beginning,	30	15	21	.....	
Aug. 11,	Fred. Joerns,....	300 00	se qr of ne qr, and n hf sw qr of ne qr,..	4	14	21	60	
Mar. 8,	James Baldwin,.	450 50	w hf of ne qr,.....	18	15	21	80	
			St. Croix County.—School Fund.					
Jan. 21,	Wm. H. Gleason,	250 00	se qr of se qr, and sw qr of se qr,.....	8	29	19	80	mortgage not found.
Jan. 21,	Wm. H. Gleason,	200 00	s hf of se qr,.....	9	28	19	80	mortgage not found.
Aug. 26,	Chas. C. Leeds,..	500 00	nw qr of ne qr,.....	2	29	19	40	no record of title from U. States.

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			Waukesha County.—School Fund.					
May 27,	W. A. Vanderpool	500 00	sw qr of sw qr,.....	9	5	19	40	
Dec. 17,	E. L. Bovee,....	350 00	se qr of se qr,.....	16	5	17	40	
	A. L. Castleman,.	500 00	e hf of sw qr,..... .	19	7	18	80	no abstract of title.
April 9,	Geo. C. Pratt,...	480 00	That part of the se qr of se qr described as follows: commencing 6 rods east of the sw corner of said lot, and running thence north 20 chains, thence east 18 chains and 50 links, thence south 8 chains 30 links to the M. & M. R. R., thence south westerly along the line of said R. R. 19 chains, thence west 3 chains 50 links to the place of beginning,.....	4	6	4	.....	
May 26.	Finley Fraser,...	200 00	ne qr of se qr,...	14	5	19	40	mortgage calls for $300.
Aug. 1,	F. C. Dousman,..	500 00	All that part of the sw qr bounded as follows: commencing at the 8th cor. stake on the south line of said sw qr, running thence east on the south line of said sec. 3, 7 chains and 50 links, thence north 2° 15, east, 7 chains 50 links to stake, thence west and parallel with the south line of sec. 3, 14 chains 94 links to stake, thence due south 7 chains 50 links to section line, thence east on said section line 7 chains 8 links to the place of beginning, containing 11 7-100 acres of land,.....	3	6	19	.....	
			Waushara County.—School Fund.					
Jan. 13,	Lewis Blake,....	200 00	w hf of nw qr,..... ..	23	19	10	80	
Jan. 13,	Lewis Blake,....	200 00	se qr of ne qr and n hf ne qr se qr,.....	5	20	8	60	
Jan. 23,	Betsey Jones,....	300 00	sw qr of sw qr,.....	13	20	9	40	
April 9,	D. B. Wheeler,...	250 00	e hf of se qr,.....	24	20	8	80	
April 9,	C. M. Prutsman,.	400 00	n hf of ne qr sec. 25, and sw qr of se qr,.	24	20	8	120	
July 25,	Alex. Clark,.....	400 00	n hf of se qr and se qr of se qr,..... ..	4	20	9	120	

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A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			Waushara County.—School Fund—cont.					
Dec. 17.	John A. Bartram,	$250 00	e hf of nw qr,.....	20	19	9	80	
Dec. 15.	Milo S. Renaud,..	400 00	ne qr of sw qr sec. 12, and s hf of nw qr,.	19	20	9	120	
Dec. 20.	J. A. Price,.....	250 00	ne qr of se qr and s hf se qr of ne qr,....	7	18	10	60	
Dec. 20.	Geo. H. Welch,..	500 00	s hf nw qr and ne qr of nw qr,.....	25	20	8	120	
			Winnebago County.—School Fund.					
Mar. 29.	J. B. Powers,....	450 00	Commencing at the sw corner of the nw qr of nw qr sec. 13, town 18, range 16, and running thence east 40 rods to land conveyed by W. R. Kenedy and others to Howard, thence north on the west line of said Havens' land 20 rods to land conveyed by said W. R. Kenedy and others to Mr. Otis, thence west on said Otis' south line 40 rods to Jackson st., thence south 20 rods to place of starting containing 5 acres; also commencing at a point 40 rods south of the nw corner of said sec. 13, town 18, range 16, in said section line, and at the nw corner of said Otis' land, and running thence east on the north line of said Otis' land 40 rods to land conveyed by W. R. Kenedy *et al* to J. L. Thorn; thence north on the west line of said Thorn's land 20 rods, thence west 40 rods to said Jackson st., thence south 20 rods to the place of starting,					

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			containing 5 acres, being a part of the nw qr of nw qr sec. 13, town 18, range 16, in the 4th ward of the city of Oshkosh.					R. P. Eighme, mortgagor.
Feb. 28.	Rich'd D. Harney,	500 00	lot 1 in the nw qr or north 31 acres,.....	16	17	17	31	
July 18.	H. E. Gustavus, & I. J. Thing,	500 00	nw qr.....	14	19	16	160	
Nov. 16.	W. Thayer,.....	150 00	nw qr of sw qr.....	20	19	17	40	
Dec. 15.	Curtis Reed,.....	500 00	e hf of se qr.....	5	20	17	40	Prior mortgage of $204, executed by J. Armstrong, Dec. 6, 1858. Jan. 15, 1859, Armstrong gave A. Lydia Reed a quit claim deed, consideration $1,00, and the same day Reed mortgaged to the State.
Dec. 3.	Edwin A. Rowley,	250 00	lots 12, 13, 26, 27, & 28 Rowley's plat ne qr	24	18	16		
Nov. 17	Patrick Arley,...	125 00	e hf of nw qr.....	18	19	15	80	No certificate of Clerk of Board.
June 25	Michael Dolan,...	250 00	s hf and nw qr of se qr.....	14	19	14	120	
Dec. 31.	J. M. Ball,.....	500 00	lot No. 4, se qr of se qr..... also lot No. 1, in the ne qr.	29	20	17		
			Walworth County—School Fund.					
Dec 20.	Frank Leland,...	150 00	Commencing 1½ feet north of the sw corner of lot 8 in block 26, in the village of Elkhorn, thence south along the west line of lots 8 and 11, thirty-six ft., thence east and parallel with the north line of lot 11, one hundred feet, thence north thirty-six feet, thence west and parallel with the south line of lot 8, one hundred feet to the place of beginning.	32	20	17		
Aug. 6.	L. L. Crounse,...	150 00	ne qr of nw qr.....	31	2	16	40	
June 20.	J. H. Dudley,....	500 00	Beginning at the 8th stake on the south line of se qr of..... running thence west along the south line of said section east 63-100 chains, thence north 60° 7′ W., thence 90-100th chains,	19	2	16		

A.—*List of Loans*—continued.

1859.	Names.	Amount.	Description.	Sec.	Town.	Range	Acres.	Remarks.
			Walworth County—School Fund—con. to the centre of the Delavan and Big Foot Road, thence north 29° 53 East, 18, 36-100ths chains, along the centre of said road, thence south 52° 35′, East, 12 60-100ths chains to the 8th sec. line passing north and south through said se qr, thence south along said 8th section line to the place of beginning, containing 31 59-100ths acres.....					No mortgage found.
			Waupaca County—School Fund.					
July 2.	E. C. Sessions,...	300 00	sw qr of nw qr.....	9	21	11	40	
			and sw qr of ne qr.....	31	22	12	40	
Dec. 1.	Alvin Pope,.....	200 00	nw qr se qr and ne qr of sw qr..	9	21	12	80	No mortgage found.
Dec. 1,	S. N. Small,.....	250 00	n hf of se qr.....	13	22	16	80	
Oct. 15.	Thomas Marshall,	500 00	e hf of ne qr.....	7	22	12	80	No note or mortgage found.
			Drainage Fund					
May 2..	Eliz. Waterhouse,	300 00	e hf of sw qr.....	32	21	11	80	
			Washington County—School Fund.					
Mar. 13.	Peter J. Shulties,	300 00	the und. hf nw qr.....	3	9	19	87	
Nov. 19.	George Beck,....	500 00	e hf of w hf of ne qr.....	23	12	20	40	
			Wood County—School Fund.					
Aug. 30.	And. Bakeman,...	200 00	e hf of nw qr.....	22	22	6	80	

Statement of the Amount of Loans for the year 1859.

School Fund,.....	$53,608 06
University Fund,.....	950 00
Drainage Fund,.....	1,450 00

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B.

STATE OF WISCONSIN, } ss.
Dane County,

William H. Watson, being duly sworn, deposes and says:

That he was the Private Secretary of the Governor in the year 1858, and as such had charge of the general business of the office; that after Messrs. Calkins & Webb, the then State Printers, refused to print certain reports required for the use of the Legislature, the contract of the successful bidder for the State printing not being yet consummated, the said reports were sent to Messrs. Atwood & Rublee, to be printed, until the 7th day of December, when, as directed by the Governor, in the event that the bond of James Ross should be completed, a certain report was sent to the said James Ross to be printed. The manuscript was returned to the Executive office, with a note from Mr. Ross, of which the following is a copy:

"OFFICE DAILY PATRIOT,

"Madison, 7th Dec., 1858.

"W. H. WATSON, ESQ.,

"*Private Sec'y to the Governor:*

"DEAR SIR: Your note of this date, accompanied by a portion of the annual Report of the Secretary of State, was handed me by a page from the Executive office. It being the opinion of the Attorney General, as well as my own counsel, that my contract is not legally entered into until my bond is *approved* by the Governor; and therefore, by advice of counsel, I do not feel at liberty to accept the *work* sent *me* until my contract is legally consummated.

"And I beg to remain,

"Respectfully yours,

"JAMES ROSS."

Deponent further says, that afterwards, but whether or not upon the same day he does not recollect, he was called upon at the Executive office by Mr. S. D. Carpenter, who was understood to be the assignee of Ross' contract, and some conversation took place in regard to the refusal to print the reports; that in this conversation Mr. Carpenter stated that he had no doubt that the Governor would, upon his return, endorse his approval upon the bond, but that it was not now fully consummated, and that the State printer could not be compelled to print anything under it. Mr. Carpenter further, in said con-

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versation, gave deponent distinctly to understand that the work of printing the reports under Ross' contract, was such as would pay very little to the contractor, and that he should not undertake to do any work that would not pay until he was obliged to do so by the contract being fully consummated by the approval of the bond by the Governor.

The reports which came to the Executive office thereafter, until the said bond was approved by the Governor, were sent to Messrs. Atwood & Rublee to be printed. After the said approval, those which came in were sent to James Ross, and were printed by him.

W. H. WATSON.

Subscribed and sworn to before me, this 17th day of March, 1860.

M. M. DAVIS, *Ch'n Com.*

STATE OF WISCONSIN, }
County of Dane, } ss.

Samuel D. Hastings being first duly sworn deposes and says, that he was one of the "board of commissioners for letting contracts for the public printing," as provided by section 1, of chapter 114, of the General Laws of 1858; that said board of commissioners in accordance with the provisions of said chapter 114 of the General Laws of 1858, awarded the contract for doing the public printing for the State of Wisconsin to James Ross; that in accordance with the provisions of section 9, of said chapter 114, the said board of commissioners drew up an agreement between the State and said James Ross; that said contract or agreement was signed by said commissioners and said Ross on the 30th day of November, A. D. 1858, and left in charge of this affiant until the bond required by law to be filed should be so filed; that on the 6th day of December, A. D. 1858, said Ross left with this affiant, the required bond, which bond was at once filed in the office of the Secretary of State; that the law required the said bond to be approved by the Governor, but in consequence of his absence from the capital, the bond did not receive the written approval of the Governor until the 17th day of December, 1858; that the Governor, before leaving the capital, communicated to this affiant his views in relation to what kind of a bond would meet with his approval, and authorized this affiant to assure the contractor on the presentation of such a bond as described by the Governor, that it would be approved on the Governor's return, and that the contractor could at once commence doing such of the work

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of the State as the law and the contract authorized him to do previous to the first day of January, 1859; that at the time Mr. Ross left the bond with this affiant, to-wit: on the 6th day of December, 1858, he stated to said Ross what had been said by the Governor in relation to the approval of the bond, and assured said Ross that he would run no risk whatever in commencing at once upon such work as he was authorized under the contract to do at that time; that said Ross appeared to be entirely satisfied, and that work was sent to him to do under his contract, some of which he did do previous to the 17th day of December, 1858, the day on which the Governor's approval was endorsed on the bond; that certain of the Annual Reports of the State Departments and public institutions were sent to the said contractor previous to the 17th day of December, 1858; and that the copy was returned, the contractor refusing to do the work at that time; that sometime between the 6th and 17th days of December, 1858, and *after* the annual reports above referred to had been sent to the contractor and the copy returned, the said James Ross called upon this affiant at his office, in the capitol, to explain to him, why he had declined to print the reports at that time; that in the course of his explanatory remarks, he stated he had been advised by counsel and by the Attorney General, that until the bond was actually approved by the Governor's own endorsement written upon it, he was not legally bound to do the work which had been sent to him, and as that was a part of the work which, under the contract, he had agreed to do for a price much below cost, he should decline doing it until he was legally bound to do it; that as soon as the bond was actually approved by the Governor, he would then do all the work which was sent to him, whether it paid or not; and that in the meantime, he would do such kinds of work as paid a fair compensation.

SAM'L D. HASTINGS.

Subscribed and sworn to before me this 17th day of March, 1860.

M. M. DAVIS, *Ch'n Com.*

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C.

Statement of Specie in favor of Wisconsin Banks doing business, and where deposited, January 2, 1860:

Name of Bank.	Am't Specie.	Where deposited.
Bank of the Capital,	$1,000 00	Comptroller.
Bank of Grant County,	170 00	do
Bank of Monroe,	700 00	do
Bank of Prairie du Chien,	750 00	do
Bank of Racine,	4,880 00	do
Brown County Bank,	1,200 00	Certificate Dep. on N. Y.
Fox River Bank,	4,112 00	do
Lumberman's Bank,	1,790 50	Comptroller.
Wisconsin Valley Bank,	2,000 00	do
Second Ward Bank, Milwaukee,	359 00	do
Wood County Bank,	7,000 00	do
Summit Bank,	780 00	do
Koshkonong Bank,	500 00	do
Total,	$25,241 50	

D.

Statement of Wisconsin Banks winding up, the amount of Circulation and Specie, and where deposited, Jan. 2, 1860:

Name of Bank.	Circulation	Specie.	Where deposited.
Badger State Bank,	$1,211	$1,211	with Comptroller.
Bank of the City of La Crosse,	974	974	do
Bank of La Pointe,	49,420	49,420	do
City Bank of Racine,	9,259	9,259	do
Farmers Bank of Hudson,	1,197	1,197	do
German Bank,	26	26	do
Globe Bank,	285	285	do
Janesville City Bank,	1,698	1,698	do
Kankakee Bank,	1,165	1,165	do
Kokomo Bank,	14,730	14,730	do
Marathon County Bank,	2,990	2,990	do
Merchants Bank,	6,942	6,942	do
Merchants and Mechanics Bank,	25,032	25,032	do
Northern Wisconsin Bank,	6,545	6,545	do
Oshkosh City Bank,	109	109	do
Peoples Bank,	961	964	do
Producers Bank,	820	820	do
State Security Bank,	8,065	8,065	do
Union Bank,	2,272	2,272	do
Total,	$133,201	$133,204	

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E.

MADISON, Feb. 24, 1860.

The specie balance on this day is			$164,936 00
Of which there is in the vault		$42,372 50	
Balance in New York,		37,206 50	
Chief Deposits— State Bank,	Merchants Bank,	3,292 00	
	Merchants & Mechanics Bank,	16,345 00	
	Bank of La Pointe,	27,000 00	
	Kokomo Bank,	8,648 00	
	Marathon County Bank,	2,170 00	
	Union Bank,	1,405 00	
	Oshkosh and Germania Banks,	135 00	
	Peoples Bank,	892 00	
	Producers Bank,	273 00	
	Badger State Bank,	1,001 00	
	State Security Bank,	4,950 00	
Dane County Bank,	Globe Bank,	203 00	
	Bank of the City of La Crosse,	734 00	
	Farmers Bank, Hudson,	864 00	
	Janesville City Bank,	1,367 00	
	Kankakee Bank,	875 00	
	City Bank of Racine,	6,080 00	
	Brown County Bank,	4,937 00	
	Northern Wisconsin Bank,	4,040 00	
			$164,948 00

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F.

Statement of the Specie held by Bank Comptroller on the 24th of February for the redemption of the Circulating Notes of the following Banks:

Badger State Bank,	$1,691
Bank of City of La Crosse,	734
Bank of Grant County,	170
Bank of Jefferson,	9,780
Bank of Monroe,	700
Bank of Prairie du Chien,	750
Bank of Watertown,	1,700
Columbia County Bank,	2,400
Farmers Bank, Hudson,	864
Germania Bank,	26
Globe Bank,	298
Janesville City Bank,	1,367
Kankakee Bank,	875
Kokomo Bank,	8,643
Marathen County Bank,	2,178
Marine Bank,	8,371
Merchants Bank,	3,292
Monroe County Bank,	21,000
Oshkosh City Bank,	109
Peoples Bank,	892
Producers Bank,	273
Sauk County Bank,	18,200
Second Ward Bank,	256
State Security Bank,	4,950
Union Bank,	1,485
Walworth County Bank,	8,500
Wisconsin Valley Bank,	1,000
Koshkonong Bank,	500
Wood County Bank,	210
Lumbermans Bank,	750
City Bank of Racine,	6,039
Bank of Horicon,	30
Northern Wisconsin Bank,	4,040
Summit Bank,	522
Bank of La Pointe,	27,080
Bank of Racine,	4,007
Brown County Bank,	4,937
Fox River Bank,	719
Merchants and Mechanics Bank,	16,345
	$164,936

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G.

Statement of Stock deposited as security by Wisconsin Banks, the amount of par value and estimated value.

Name of Stock.	Par Value.	Av. for 6 mo.	Actual Value
California .....7s.....	$78,000	84	$65,520
Georgia .....6s.....	51,000	100	51,000
Illinois .....6s.....	555,020	100	555,020
Iowa.....7s.....	10,000	100	10,000
Indiana.....5s.....	60,000	86	51,600
Kentucky.....6s.....	11,000	103	11,330
Lousiana.....6s.....	153,500	93	142,755
Michigan.....6s.....	188,500	100	188,500
Missouri .....6s.....	2,049,000	83	1,700,670
Minnesota.....8s.....	20,000	105	21,000
North Carolina...6s.....	403,500	97	391,395
Ohio.....6s.....	228,000	102	232,560
Tennessee.....6s.....	750,000	88	660,000
Virginia .....6s.....	240,600	94	226,164
Wisconsin.....6s.....	100,000	100	100,000
Milwaukee and Wat R. R. Bonds..8s.....	50,000	64	32,000
Racine and Mississippi R. R. Bonds 8s.....	27,000	64	17,280
Total,.....	$4,975,120	....	$4,436,794

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H.

Statement of Stock Sales at the average New York market price for the six months preceding the first day of January, 1860.

Name of Stock.	July.	August.	September	October.	November.	December.	Basis of computation 6 mo.
Missouri. .....6s.....	82¼	83	84	85	84½	83⅞	83
Tennessee .....6s.....	86¼	87½	88¾	90	89¼	90	88
North Carolina.6s.....	95½	97	97	97	98	96	97
Virginia 6s	94	94	94½	95	92½	94½	98
Georgia.....6s.....	no sale	no sale	no sale	101	no sale	no sale	100
Ohio .....6s.....	no sale	104	no sale	101	102¼	no sale	102
Illinois .....6s.....	97	97	97	no sale	no sale	no sale	100
Indiana .....5s.....	88	85	85	86¼	no sale	86	86
Michigan .....6s.....	99	100	100	102	no sale	no sale	100
Louisiana.. ...6s.....	no sale	no sale	no sale	93½	94½	no sale	98
Wisconsin.. ....6s..... ..	no sale	no sale	no sale	no sale	no sale	no sale	100
California.....7s.....	81	82	82½	84	85¼	86	84
Minnesota .....8s.....	no sale	no sale	no sale	no sale	105	no sale	105
Kentucky, ...	no sale	no sale	no sale	no sale	105	102	103
Iowa, ...	no sale	no sale	no sale	no sale	no sale	no sale	100
Racine & Miss. R. R. Bonds	no sale	no sale	no sale	no sale	no sale	no sale	64
Mil. & Wat. R. R. Bonds,..	no sale	no sale	no sale	no sale	no sale	no sale	64

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I.

Statement of Wisconsin Banks having an excess of circulation over the estimated value of securities, including specie.

Name of Bank.	Circulation.	Estimat'd val.	Excess.
Arctic Bank,	$196,165	$195,730	435
Bank of Eau Claire,	89,605	89,320	285
Bank of Fond du Lac,	40,993	40,380	613
Bank of Grant County,	71,659	71,080	579
Bank of Interior,	42,880	42,220	660
Bank of Milwaukee,	13,133	12,880	253
Bank of Moneka,	35,855	35,770	85
Bank of Montello,	21,604	21,510	94
Bank of Oconto,	50,000	49,690	310
Bank of Oshkosh,	29,000	28,650	350
Bank of Portage,	49,589	49.480	109
Bank of Prairie du Chien,	48,998	48,550	348
Bank of Monroe,	21,012	20,870	142
Bank of Wisconsin,	49,896	49.230	660
Chippewa Bank,	26,590	26,570	20
City Bank of Kenosha,	36,850	36,340	510
Columbia County Bank,	37,659	37,470	189
Dodge County Bank,	22,517	22,395	122
Frontier Bank,	29,320	29,270	50
Green Bay Bank,	27,444	27,430	14
Hall and Brother's Bank,	49,989	49,800	189
Juneau Bank,	9,765	9,415	350
Katanyan Bank,	38,461	38,180	281
La Crosse County Bank,	20,695	20,240	455
Laborers' Bank,	41,690	41,390	300
Marine Bank,	11,000	10,790	210
Mercantile Bank,	42,996	42,460	536
Oconto County Bank,	50,000	49,150	850
Oneida Bank,	24,735	24.600	135
Oshkosh Commercial Bank,	33,034	32,890	144
Sauk County Bank,	41,572	41,070	502
St. Croix River Bank,	73,660	73,545	115
Walworth County Bank,	38,580	37,960	620
Waukesha County Bank,	67,275	67,030	245
Waupaca County Bank,	50,000	49,980	20
Waupun Bank,	24,291	24,050	241
Wisconsin Marine Fire Insurance Co.,	35,372	35,360	12
Farmers' and Mechanics' Bank,	17.749	17,350	399
Wisconsin Valley Bank,	99,990	99,570	420
Wisconsin Pinery Bank,	49,995	49,920	75
Mechanics' Bank,	25,000	24,900	100
Osborne Bank,	49,725	49,170	555
Bank of Jefferson,	49,998	49,550	448
Bank of Sparta,	16,148	15,770	378
Reedsburgh Bank,	32,260	31,580	680
Farmers' Bank of Two Rivers,	49.890	49,040	850
Bank of Appleton,	48,147	48,140	7
Bank of Green Bay,	47,025	46,850	175
Rock County Bank,	25,055	24,900	155
Rockwell & Co.'s Bank,	25,000	24,640	360
Bank of Albany,	25,000	24,900	100
	$2,154,843	$2,138,395	$16,448

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IN SENATE, MARCH 30, 1860.

APPENDIX B.

THE PUBLIC PRINTING.

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THE PUBLIC PRINTING.

STATEMENT OF THE COMMISSIONERS.

EXECUTIVE OFFICE,
MADISON, MARCH 29, 1860.

To the Honorable the Senate:

The undersigned, Commissioners of Public Printing, submit, that in the controvery between the State and James Ross, the State Printer, and his assignee, in regard to the public printing, and the construction of the printing contract, a large space in the journal of the Senate has been devoted to the arguments and communications of the printer or his assignee, while no communication or argument in behalf of the State, and sustaining the correctness of the position of the commissioners or of the State Treasurer, in the matter in controversy, has been permitted to be spread upon the Senate journals. In the opinion of the commissioners, it is unjust to them that they cannot be heard in their own behalf, as well as in behalf of the State, in the same manner and to the same extent with the State Printer, or his assignee. The commissioners therefore respectfully ask, that the accompanying communication, showing the reasons of the action of the commissioners, and, to some extent, the rights of the State, may be spread upon the journal of the Senate.

Very Respectfully,
ALEX. W. RANDALL,
L. P. HARVEY,
SAML. D. HASTINGS,
Commissioners of Public Printing.

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STATEMENT

Of the "Commissioners for letting contracts for the Public Printing," touching the letting and proper construction of the present printing contract.

Almost from the organization of the State Government, it has been a source of complaint that the State has been compelled to pay unreasonable and exhorbitant prices for its printing. There is scarcely a press in the State that has not had more or less to say on the subject, and one newspaper in particular, the "Madison Patriot," was for a long time filled with able and eloquent articles demonstrating, in the most conclusive manner, the enormity of the most stupendous "printing steals." The attention of the Legislature was frequently called to the matter, and various attempts were made to remedy the evil. The attention of the Legislature was *particularly* called to this matter by the Joint Investigating Committee, in their report presented on the 10th day of May, 1858, and the printing law of that session was passed with a special reference to the stopping of these "printing steals."

The commissioners who represented the State in letting the printing contract under the law of 1858, kept constantly in view the object of the law, and exerted themselves to the utmost to secure a contract that would put a stop to all "steals," while at the same time the contractor should have fair and liberal compensation for all work done and material furnished.

It was the aim of the commissioners to follow the law as closely as possible, and in the preparation of their specifications, to make everything so plain and so definite that there could not possibly be any misunderstanding.

Let us look at this matter a little in detail. The law prescribes the manner in which the commissioners shall advertise for proposals; that they shall divide the printing and binding required to be done into three classes, to-wit:

First—To comprise "all printing incident to the business of the two houses while in session." (Sec. 3d, chapter 114, General Laws of 1858.)

Section 4 of the same act provides that the commissioners shall solicit "bids for the work as follows:

"*First Class.*—The price of plain composition, rule or rule and figure work per 1000 ems.

"*Second.*—The price per token for press work.

"*Third.*—The price of paper per quire (18x24 inches) for use in book work, and also the price per quire for bill paper, and such extra incidental jobs as may be required.

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"*Fourth.*—The price of folding per 100 sections of eight pages, the price of stitching, covering and trimming PAMPHLETS, &c."

The commissioners were required "to draw up *specifications* as to what shall constitute a printing bid." The law says "said specifications shall be drawn up in plain terms, and shall clearly set forth all facts and directions which are to govern the State Printer in the performance of his duty." The law still further provides that the specifications shall be attached to and form a part of the contract.

The specifications following the law, divide the work into three classes, and define the matter more in detail than it is set forth in the body of the law.

The following is the language of the specifications in speaking of the work in the first class:

"*First Class*—Comprising all printing incident to the business of the two houses of the Legislature while in session.

"*Composition*—The price per 1000 ems of plain work.

"*Press Work*—The price per token.

"*Paper*—The price per quire for book work, (the law itself having defined the size, 18x24;) the price per quire for bill paper, cap size, and such extra incidental jobs as may be required.

"*Folding*—The price per 100 sections of eight pages.

"*Stitching*—The price per 100 *pamphlets* or *reports*, to include stitching, convering and trimming."

The law (sec. 4, chap. 114) still further provides that the commissioners shall prepare "a basis upon which bids should be computed, taking as a criterion, as near as possible, the amount of work done for the preceding year. It will be noticed that the law states explicitly what is to be embraced in the work of the *first* class, to-wit: "All printing incident to the business of the two houses while in session." It then goes on to state explicitly what the commissioners shall ask bids for in this class, to-wit: Composition, press work, paper for book work, and paper for bills, and extra incidental jobs, folding, stitching, covering, and trimming pamphlets, &c.

The specifications, made out strictly in accordance with the law, follow its language and spirit.

When the commissioners come to prepare the basis called for in the law, they are required to decide two questions.

First. What printing is incident to the two houses while in session? and

Second. How much of this kind of work was done during the preceding year?

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How did they answer these questions?

First. They decided that the printing incident to the two houses while in session would be as follows:

First. The Governor's Message, the Annual Reports of the State Departments and Public Institutions, and such reports of Legislative Committees as the Legislature might order printed.

Second. The daily slips or journal.

Third. The bills; and

Fourth. Such extra incidental jobs as might be required.

Under this head would come such printing as was not included under the head of reports, daily slips or bills, such as the printing of joint resolutions, the printing of "ayes and noes," of the members names for the Post Office, the Blue Book ordered by the Assembly, &c.,

Having decided precisely what the work was that was to be done under the first class, the next thing was to ascertain as near as possible the amount of work for the preceding year of the same kind.

After a careful and laborious examination and computation, they arrived at the following result, viz: that there would be in the first class, comprising the incidental printing of the two Houses of the Legislature :—

7,550,000 ems of Composition.

2,000 Tokens of Press Work.

6,700 Quires of Paper for book work.

2,000 Quires of Paper (cap) for bills and extra incidental jobs.

700,000 sections of 8 pages of folding.

80,000 Pamphlets to be covered, stitched, and trimmed.

The Commissioners then, in accordance with the provisions of law, asked for bids, in the first class, for the above named quantities of work and material.

The specifications prepared by the Commissioners, which the law makes a part of the contract, defines a *bid* as follows: "A bid or proposal, is a proposition in conformity with law and the requirements of the Board of Commissioners, to do the work or furnish the material as contemplated in the Act relating to Public Printing, approved May 17, 1858, and must set forth in a clear, distinct, and unevasive manner, the price of, or compensation for, each separate item of work to be done, or of material to be furnished in the several classes, as fully explained and set forth in the specifications."

The specifications go on to define various matters as follows: "A token is 240 impressions, that is the press work of 240

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sheets of paper, if printed on one side only, and 120 if printed on both sides."

A sheet of paper in book work is 16 pages of matter, and is so to be counted in computing the amount of paper used and press work on the same. Paper used in all book work is to be 18 inches by 24 inches, and to weigh at least 18 lbs. to the ream."

We are now ready to consider the bids.

The Commissioners have decided what work is embraced in the First Class. The LAW speaks of *book work* in this class, and directs the Commissioners to ask for bids for paper for this kind of work, and defines the size of the paper, and the specifications made by authority of the law, go still further, and fix the *weight* of the paper.

What work is there in the first class that can be denominated *book work?* What does the law contemplate when it speaks of *book work?* There are no bound volumes embraced in this first class. This is admitted on all hands.

The law (§ 4, chap. 114, 1858,) speaks of PAMPHLETS; the specifications made in accordance with the law speaks of *pamphlets* or *reports*. The pamphlets or reports, the bills, daily slips, and extra incidental jobs, comprise all the work in this class. The law, the specifications, the Commissioners in preparing their basis, and every bidder in bidding, contemplates the pamphlets or reports as book work, and the Commissioners also embraced under this head the daily slips, as they were expected to be printed on the same kind of paper as the reports. They had never been printed on cap paper, and they could not be properly regards as *extra* incidental jobs, as their printing is as regular a matter and as much incident to the business of the two Houses, while in session, as is any printing that is done for their use.

Mr. Ross makes his proposal to do the printing in the following words:—

"I propose to do the printing of the State of Wisconsin for two years from the first day of January next, and in accordance with the law, at the following rates and prices:—

FIRST CLASS.

Composition per 1000 ems, plain work, 1-1000 part of a cent.

Press work, per token, 63 cents.

Paper, per quire, for book work, 1-1000 part of a cent.

Paper, per quire for bill work, cap size, and extra incidental jobs, 73 cents.

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Folding, per 100 sections of 8 pages of pamphlets, 1-1000 part of a cent.

Stitching, covering with printed covers, and trimming, 1-000 part of a cent.

There was no difference of opinion at that time as to what was meant by the various terms used in speaking of work in the first class.

The Commissioners and every bidder understood that the 6,700 quires of paper for book work was the paper designed for the pamphlets or reports and daily slips.

The makers of the law understood that the pamphlets or reports were included in the first class, and when they provided that the Commissioners should ask for bids to furnish paper for book work, they had reference to the paper for these pamphlets and daily slips, for there is nothing else in this class for which book paper could be used. The Commissioners so understood it, and in computing the amount of paper of this kind that would be needed, they based their calculations on the amount of paper that would be needed for 80,000 pamphlets and for the daily slips, and in computing the amount of cap paper that would be needed, they based their calculations on the quantity of bills that would be needed, making due allowance for such extra incidental jobs as might be required, and every bidder understood the matter in the same way.

These pamplets or reports are, in all their essential features, *book work*. The law makers, in referring to them, speak of them as *book work*. They are printed in forms or pages, in the same manner as books are printed. They are paged like books. The types are set up as in book work. The press work is done in the same way as in book work. The number of pages in a sheet is the same as in book work. They can be made into books by simply putting covers on them; in fact, the identical pamphlets are afterwards bound up into books and known as the Governor's Message and accompanying Documents. Is not the *kind* of word precisely the same, in printing these reports as *pamphlets* as it would be were they all to be made into books at once? Is there not the same reason for their being printed on book paper while they remain as pamphlets that there would be in case they were to be at once bound into books?

Such was the understanding of all parties at the time the contract was let. The contract expressly provides "that the items of work and material mentioned, and the prices and compensation provided for the same, shall be construed and understood according to the plain and and literal signification

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of the language used and the meaning thereof, shall not be enlarged or charged by any technical construction."

The main point of difference between the commissioners and the contractor, so far as the work and material in the first class are concerned, is in relation to the *kind of paper* to be used in printing the pamphlets or reports.

The commissioners claim that these pamphlets should be printed on book paper, and that the price to be paid for the same is 1-1000 part of a cent per quire. The contractor *now* claims that they are not book work, and consequently that he was not bound to print them on book paper, and that he *has printed* them on an inferior quality of paper, and is entitled to receive 73 cents a quire for the paper used. Look for a moment at the effect of this claim of the contractor. Take for illustration the annual report of the State Prison Commissioner for 1858, a pamphlet of sixty-four pages; under the construction of the contract understood by all parties at the time the contract was let, Mr. Ross' bill for printing this report would be as follows:

1043 quires of paper (book paper) 1-1000 ct. per quire;
189 tokens of press work at 63 cts. per token;

Making a total of $119 7-100 as the cost of printing 5000 copies of this report.

This is the way the commissioners, the contractor, and all other bidders, *at the time the contract was let*, understood that the printing of reports of this kind was to be audited.

The State Printer has presented a bill for the printing of this report as follows:

1875 quires of paper at 73 cts. per quire;
399 tokens of press work at 63 cts. per token;

Making the cost of printing this report (5000 copies) $1.620.12!—more that $1,500 above the amount he would be entitled to under the construction of the contract as understood at the time the contract was let.

The printing of the following named reports, &c., of 1858, to wit: Insane Hospital, Commissioners of S. and U. Lands, State Prision, Adjutant General, Bank Comptroller, Governor's Message, Regents of University, Agricultural Society, Fox River Improvement, and Geological Survey, under a correct construction of the contract, would amount to $840 42-100, while the State Printer has brought in a bill for this work, and has had it audited and paid at $10,194 58-100!

And what is the ground upon which this construction is based? Simply that the contractor did not print the reports upon book paper as he had agreed to do, but in violation of the express terms of his contract he has substituted an inferi-

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or article of paper, and then claims, virtually as bonus for having done so, nearly $10,000 on these ten reports!

Truly this is a modest claim, to say the least! But let us look at the operation of this construction a little further.

The actual quantity of paper used in printing the State Prison report, was 1,043 quires; but as the contractor, in order to carry out his new construction, has to call the paper, something that it really is not, that is, cap paper, when it is paper of a different size, he *construes* 1,043 quires into 1875 quires, and by the same forced construction he *construes* 189 tokens of press work into 399 tokens.

This is a forced and unnatural construction and one, too, that is in direct conflict with one of the positive provisions of the law, and one of the express agreements of the contract.

Sec. 41, of chapter 6, Rev. Statutes, provides that "In computing the amount of paper, press work, composition, folding, stitching, or any other work or material embraced in a contract for printing, no 'constructive charges' shall be allowed, and no work or material paid for unless it appears to have been actually performed or furnished and accepted by the proper State officers."

The same provision is repeated in section 10, of chapter 114 of the General Laws of 1858: "No constructive charges for work shall be allowed," &c; and in the contract itself we have it in the following emphatic words: "*And in no case shall any constructive charges for work or material be allowed.*"

Can a construction be recognized as correct for a single moment which involves such a direct violation of one of the most positive provisions of the law and one of the express agreements of the contract?

The commissioners claim that their construction is the correct one; that it is *the one* and the *only one* that harmonizes with the spirit and with the letter of the law; that it is the construction as understood by both of the contracting parties at the time of the letting of the contract; that it is the construction which was understood to be the correct one by every bidder outside of Madison, to say the least, and that it is the construction which every disinterested person would naturally place upon the contract, upon a careful consideration of the law, the specifications, and the basis, taken in connection with the language of the contract itself.

The evidence, that the contractor, at the time he consummated the contract, and for some time afterward, construed the contract as did the commissioners and the other bidders, is abundant.

After the awarding of the contract the contractor had four

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weeks in which to execute and file the bond required by the law. Before the expiration of the four weeks the Governor, who is one of the commissioners, was obliged to leave the Capital to be absent several weeks. Before leaving, however, he affixed his name to the contract and left it in charge of one of the other commissioners, and requested his associate commissioner, in case a proper bond was offered within the time fixed by the law, to deposit the contract and the bond in the office of the Secretary of State, with the assurance that the Governor would indorse his approval on the bond immediately on his return to the Capital. The contract was duly signed by all the commissioners and the bond filed in the office of the Secretary of State, the bond virtually approved by the Governor, and the positive assurance given that the approval of the Governor would be indorsed on the bond as soon as he returned.

Mr. Ross was recognized at once as the State Printer, and some work which was then waiting to be done was at once sent to him by the Governor's Private Secretary, in whose charge it was.

Mr. Carpenter, the assignee of the cotractor, refused to do this work at the time, claiming that he was not *bound* to do it until the bond had the approval of the Governor indorsed on it, and giving as his reason for not doing the work, *that it was a part of the work for which he received little or no pay under his contract.* Mr. Ross, the contractor, called upon one of the commissioners and explained to him fully the reason why they refused to do the work. He stated in the most explicit terms that the *only reason* why the work was refused, *was that it was a part of the work for which, under the contract, he received comparatively no pay.*

He remarked distinctly, that as soon as the bond was actually approved by the Governor's endorsement, he would do all work that was required, whether it paid or not; and stated further, that he was then willing to do such portions of the work as paid a fair compensation.

The work which was refused was the reports of the Secretary of State, State Treasurer, Institute for the Blind, Deaf and Dumb Institute, Superintendent of Public Instruction, and Catalogue of the State Library.

These reports were sent to Messrs. Atwood & Rublee, and printed by them. The account for doing this work was presented to the Legislature, and an appropriation was made of $7,300 70 to pay them for the same. In doing the work they were not bound by any contract, and in making out their bills, charged full retail job prices, to wit:

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Composition, 50 cents per 1000 ems.
Press work, 50 cents per token.
Folding, 10 cents per 100 sections.
Paper, 25 cents per quire.
Covering, stitching, &c., $1 per 100.

Reckoning this work at these full and liberal prices, it amounted to $7,300 70, which, under the construction now claimed by the contractor, it would have amounted to over $20,000; and yet the work *was refused at that time because it was a part of the work for which he was to receive little or no compensation.*

It would be impossible to produce testimony more positive and conclusive than this. The actual cost of doing this work could not have exceeded between 3 and 4 thousand dollars, yet the contractor refused to do it at the time it was first offered, *solely because it would not pay*, while he now claims a construction which would have given him over $20,000 for this identical work, a clear profit of at least 16 or $17,000.

THERE IS NO POWER OF REASONING, THERE IS NO SKILL OR ELOQUENCE IN ARGUMENT, THERE IS NO AMOUNT OF ASSERTION, THAT CAN POSSIBLY DESTROY THE FORCE OF THIS ONE FACT. From the very nature of the case, it must be conclusive in the mind of every candid man. Should we see a sane man, passing along one of our public highways, stop and pick up something that lay in his pathway, carefully examine it and then carelessly throw it away; and should we afterward pick up what he had thrown away, and discover it to be gold ore, worth thousands of dollars, we *could have* no more conclusive evidence that the man who threw it away *was not aware of its value*, than the simple fact that *he did throw it away.*

Men do not throw away thousands of dollars at a time when they come fairly and legitimately into their possession. If the contractor, at the time he refused to do that work, had placed a construction upon his contract, which would have realized to him a profit of 16 or 17,000, on what was offered to him, he would no sooner have refused the work than he would now refuse an equal amount of money, should it be offered to him on one of his suspended warrants.

I is all in vain to attempt to destroy the force of these facts. The conclusion we reach is perfectly irresistible, and cannot possibly be reasoned away.

But it so happens that we are not left to this fact alone to show that the contractor did not, at the time he took the contract, nor for some time after, construe it in the manner he now claims to be the correct construction. The contractor, previous to signing the contract, filed with the Commissioners

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a protest against some of the provisions of the contract. This protest is dated Nov. 29th, 1858, and in protesting against certain provisions of the contract, the contractor uses the following language:

"5th. Because, under the most favorable construction which the written law, the law of the craft, and the specifications, place upon the matter, I could no more than obtain pay enough to cover *cost;* and if I am held to the construction a majority of the Commissioners have, (no doubt,) mistakingly placed upon the items of work in the third class, I would not save my *outlays* by thousands of dollars."

Here it is distinctly intimated, that the only place where the contractor expected to make a profit, was in printing the blanks in the third class; and he states that in case he is not allowed his own construction of the contract, as to the manner of counting blanks, he would no more than receive pay enough to cover the cost of the blanks, leaving him minus thousands of dollars for outlays in other directions.

But the contractor, in his memorial to the Senate, under date of January 31, 1859, states this point in more clear and definite terms, as follows:

"Your memorialist would here state, that under the construction put into the contract, against the said protest recorded, he would not in the aggregate, save *cost* on the items of blanks alone, and *as these items are the* ONLY ONES *in the bid considered above cost*, it is clear that the bidder could not, by any possibility, have intended to bid for other than "blanks per quire," as section 4 of the printing law authorizes."

Here it is distinctly stated, that the items of blanks are the ONLY ONES in the bid considered above cost. If he spoke the truth at that time, how can it be possible that he had then placed upon the contract a construction which would give him a clear profit of not less than $30,000 in doing an amount of work where the actual cost could not, by any possibility, exceed 7 or $8,000? The idea, taken in connection with the other facts already presented, is perfectly preposterous. But the evidence is not yet exhausted which is found in the contractor's own statements.

In a subsequent communication to the Senate, under date of February 9th, the contractor states that the most liberal construction of his contract *that could be asked or given* would not yield him but a little over $11,000, not to exceed $13,000, for all the work incident to the two houses, while in session, while his outlays would amount to $18,000. He says, "these figures apply exclusively to the state work during the session,

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and do not include the laws, journals, and PUBLIC DOCUMENTS, which I am bound to print and FURNISH FOR NOTHING." Here he states that under the most liberal construction of the contract that could be asked, counting the daily slips and bills in the first class, as blanks, he could not possibly make his receipts to exceed $13,000, and yet, a few months after, he brings in a bill claiming a construction of his contract which gives him a clear profit of 14 or $15,000 on work in the first class, incident to the business of the legislature while in session! Further than this he states in the most distinct terms that he is bound to FURNISH THE PUBLIC DOCUMENTS FOR NOTHING!! How many thousands of dollars has he since claimed and received for the printing of these identical PUBLIC DOCUMENTS?

Attention is again called to the most extraordinary nature of the construction now claimed by the contracter, and in order to make the points definite and clear, we will use an illustration.

A wishes to buy a quantity of grain. He advertises for proposals to furnish 1000 bushels of first quality winter wheat and for 100 pecks of corn. In his advertisement he states that he may want a little more or a little less, but that he will let the contract to the man whose bid is the lowest in the aggregate on the figures named.

B bids as follows: "One cent per bushel for the winter wheat, and ten dollars per peck for the corn." His bid foots up the lowest in the aggregate, ($1,010) and he gets the contract. The contract requires him to deliver first quality of winter wheat for one cent per bushel, and for the corn he is to receive ten dollars per peck.

The order is given, and in due time B presents his bill to A and informs him that the grain has been delivered according to contract. Upon looking at the bill he finds that it amounts to over $20,000 instead of $1,010, and upon looking further he finds that there is no winter wheat whatever in the bill, but that everything has been charged as *corn*, at $10 per peck, and upon examination he finds that no winter wheat has been delivered, but instead of this he finds that 500 bushels of spring wheat has been delivered and charged in his bill as 2,000 pecks of corn at $10 per peck.

A at once says to B, "Did I not contract with you to deliver 1000 bushels of first quality winter wheat at one cent per bushel?" B replies, "Well I don't know but what the contract reads in that way, but you see I have not done it. I have delivered 500 bushels of spring wheat, and as that is

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the kind of wheat you had the year before, I thought it would answer your purpose just as well."

"But," says A, "how is this? You have not only delivered an inferior article, an article not named in the contract, but you have charged me a thousand times as much as you agreed to furnish the good article for?"

"True," says B, "it is all true that I have charged the spring wheat as corn, and have also charged for double the quantity delivered, and what is more, I have a right to do so under my contract, and I will prove it to you. The contract says you are to have first quality winter wheat. Have you got it? If you have doubts about it, I can furnish any quantity of witnesses to prove that you have not got winter wheat at all, but you have got in place of this winter wheat some spring wheat, and if you question this I will produce the affidavit of the man who sowed the seed, the affidavit of the man who harvested it, of the man who thrashed it, of the man who cleaned, of the man who hauled, and of the man who received it."

"But," says A, "what of this? No one disputes that it is not winter wheat of good quality, but all admit that it is spring wheat. How does this help the matter?"

B replies, "You admit then that I have not delivered any first quality winter wheat. So far so good. Well, if I have not delivered any good winter wheat then I cannot demand of you the price which was to have been paid for winter wheat, to wit, one cent per bushel. But you will admit that I have delivered to you something. Well, as there are but two kinds of grain to be delivered; but two kinds named in the contract, and you have admitted that it is not the first named kind; that is, good winter wheat, it must of necessity be the other kind of grain, to wit, corn, at $10 a peck, and as it takes four pecks to make a bushel, it was only necessary for me to deliver 500 bushels to justify me in charging for 2000 bushels, or 2000 pecks, which are all the same, as I understand the contract."

Would it be possible for a man to set up a more preposterous claim? and yet it is precisely analagous to the claim set up by the State Printer.

He contracts with the State to furnish 6750 quires, more or less, as may be required, of book paper, with the understanding on the part of all interested that it is to be used in printing the annual reports of the departments and other work of the kind incident to the business of the legislature while in session. He also contracts to furnish 2000 quires, more or less, of cap paper, to be used in printing bills and extra incidental jobs. The work is done and the bill is presented, and instead

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of amounting to $2,700 22, as the aggregate of all the work foots up in his bid, it amounts to over $30,000

The 6,750 quires of book paper is not to be found in the bill. No book paper or paper for book work was furnished, but instead thereof we find over thirty thousand quires of cap paper charged, where but two thousand quires were named in the basis. But were there thirty thousand quires of cap paper furnished? No. But a considerable quantity of paper of another description, called Print, or News Print, was *furnished* in place of the book paper, or paper for book work, and *charged* as cap paper!

The contractor agreed to furnish six thousand sever hundred quires of book paper, or paper for book work, to be 18 in. by 24, and to weigh at least 18 lbs. to the ream, to be used in printing the pamphlets or reports provided for in the first class. But he has not done it, but has printed these pamphlets or reports on a different kind of paper, a paper of inferior quality in every respect, and then he has charged seventy three thousand times more for the inferior article than what he agrees to furnish the better article for, and as he is obliged in order to do this, to call the article furnished what it really is not, to wit, cap paper, he charges for double the quantity delivered, really making the actual price charged one hundred and forty six thousand times greater than what he agreed to furnish a superior article for!

He has not furnished the firft quality winter wheat contracted for, but in place thereof has furnished an inferior article of spring wheat, and then charged one hundred forty six thousand times as much as he agreed to furnish the winter wheat for.

We say to the Contractor "did you not agree to *furnish* 6,750 quires of book paper, (more or less as the case may be,) on which to print the pamphlets or reports, in the first class?" His reply virtually is "that it is really of on consequence what the language of the contract is; these reports or pamphlets were not printed on book paper prior to the letting of the present contract, and there was no use in printing them on book paper now—I have not done so—I have printed them on a different kind of paper of a different size, a different weight, inferior in every respect to book paper; and as I have not furnished any book paper I cannot charge the contract price for book paper, or paper for book work, to wit: 1-1000 of a cent per quire, but I have furnished paper of some kind, and as there are but two kinds of paper provided for in the first class, paper for book work and cap paper, the paper I have furnished not being book paper I have a right to CONSTRUE

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it into cap paper, and still further by *construction* to charge for double the quantity actually furnished; and then to charge 146 thousand times as much for it as I agreed to furnish a better article for." And then he presents the affidavit of the paper maker, the foreman in the printing office, the clerk in the counting room and a score of others, to prove what? not that he has furnished the articles called for in his contract, but to prove what no denies, that he has not furnished what he agreed to furnish, but that he has furnhised a different and an inferior article.

SECOND CLASS.

The work in the second class was "to comprize the journals and documents of the two Houses and all general and local laws passed by the Legislature."

Section 4, of the General Laws of 1858 provides that the Commissioners should ask for bids in this class as follows:

"The price of composition, press work, paper, (18 by 24 inches) folding and paper covering, as provided in the first class. Also the price per copy of binding in either cloth, pasteboard, sheep or calfskin, as may be directed by the Legislature or by the said board, under the authority of law."

The specifications made in conformity with the law, asked for bids as follows:

Composition, the price per 1000 ems, plain work.

Press work, the price per token.

Paper, the price per quire 18 by 24, (The secification had previously set forth that paper used in all book work is to be 18 in. by 24 and to weigh at least 18lbs to the ream,) all paper in this class is for book work.

Folding, the price per 100 sections of 8 pages.

Binding, the price per volume or copy, to include folding, stitching, trimming and lettering,

With paper covers per volume.

With cloth covers per volume.

With pastboard, sheepskin covers and back per volume.

With sheepskin binding per volume.

With calfskin binding per volume.

The Bases was in the followins words:

SECOND CLASS.

Laws, Journals and Documents.

Composition, 13,000,000 ems.

Press work, 5,000 tokens.

Paper, 25,000 quires.

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Folding, 2,500,000 sections.

Binding, 13,500 volumes in the folowing covers:

In paper covers per volume, 13,500 volumes.

In cloth covers per volume, 13,500 volumes.

In pasteboard covers per volume with sheep corners and backs.

In sheepskin per volume, 13,500 volumes.

In sheepski n per volume 13,500 volumes.

Calfskin covers per volume, 13,500 volumes.

The binding to include stitchng, trimming and lettering.

Mr. Ross' bid for doing the work in this class was 1-1000 part of a cent for each 100 ems of composition, and the same amount for each token of press work, for each quire of paper, for each hundred sections of folding, and for the binding of each volume.

There has been no controversy between the commissioners and the contractor as to the price to be paid for the work done in this class; there has, however, been a serious and most decided difference of opinion as to what work comes under this class.

The law says that the second class shall "comprise the journals and *documents* of the two houses and all general and local laws passed by the Legislature."

The contractor admits that the journals and general and local laws properly belong to this class, but takes the ground that the *documents* do not, but that they belong to the first class.

The commissioners in making up their basis for the amount of work that would be required in the second class, estimated as follows:

8,000 copies of the General Laws.

3,000 " " Local Laws.

1,000 copies of the Journals, 500 each of the two houses.

1,100 copies of the Governor's Message and accompanying documents.

These make an aggregate of 13,100 volumes. The commissioners added 400 to cover any extra volumes that might be ordered by the Legislature, making the number in the basis 13,500 volumes.

This volume of Documents has been regularly printed each year at the same time and in the same general style as the Journals of the two houses, since 1852. The law authorizing the publication of this volume was passed in 1852, chapter 504, section 20, and is in the following words: "Immediately after the annual reports of the several departments have been placed in the hands of the Governor, he shall put them, with

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a copy of his annual message, into the hands of the State Printer, who shall proceed to print, stitch and cover them in the usual manner, as speedily as possible, in one volume; the number of such volumes shall be 100 copies for the use of the State Departments, and one thousand copies for the use of the two houses of the Legislature."

The *usual manner* of covering the volumes of laws, journals and documents at that time was in paper covers. The law was afterwards changed so as to require them to be covered with "*pasteboard* covers with sheepskin corners and backs," (sec. 1, chapter 47, laws of 1854.) This has been the *usual* manner of covering all volumes of this kind since that date.

In 1858 it was discovered that a most extraordinary abuse had grown up in connection with the printing of the Governor's Message and accompanying documents.

The law contemplated the printing of this volume but once. It was discovered that the State Printer was printing it three times. 1st. In a separate volume as the Governor's Message and accompanying documents. 2d. As an appendix to the Assembly Journal; and 3d. As an appendix to the Senate Journal. The law contemplated the printing of but 11,000 copies, but in this way 2,300 copies were printed, as follows:

1,100 copies of volume entitled Governor's Message and accompanying documents.

600 copies of volume entitled Appendix to the Senate Journal.

600 copies of volume entitled Appendix to the Assembly Journal.

It was made a very profitable job to the State Printer, and a very expensive one to the State in this way.

The matter for all these volumes was first set up when the Printer printed the Governor's Message and the various reports, making up the volumes in pamphlet form for the use of the Legislature.

The printer here charges for and was fully paid for the composition. He then, while he had the type standing, struck off enough copies for the 2,300 volumes, and in rendering his bill for the work done, he charged and obtained pay for the composition for the entire volume four times, viz: 1st. When he set up the matter to print the Message and reports in pamphlet form. 2d. When he made up the same matter into the volume called the Governor's Message and Accompanying Documents. 3d. When he made it up again and called it Appendix to Senate Journal; and 4th. When he still again labels it Appendix to the Assembly Journal.

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It should be borne in mind that the matter in these three different volumes is precisely the same—the same number of pages, arranged in precisely the same way ; and the only difference between them is the lettering on the backs.

The Legislature of 1858, when their attention was called to this abuse, determined to correct it for the future, and for the sole purpose of doing so passed the following, sec. 8, chap. 119, laws of 1858.

"All acts or parts of acts authorizing the printing or binding of the Governor's Message and the reports and documents accompanying the same in the journals of Senate or Assembly or in an appendix thereto, or in board or cloth covers, or in any manner, or in any number, except as authorized by section 20 of the laws of 1852, are hereby repealed.

The object of this law was simply to cut off this "constructive stealing," and prevent the printing of a larger number of these documents than what was needed, and nothing more. It was no part of the design of this law to repeal those provisions of law which require all volumes of the kind to be covered with pasteboard covers, and to fall back upon the old style of paper covers; it was simply to cut off the printing of this large number of extra and useless copies. The *usual manner* of covering all volumes of the laws, journals, &c., in 1852 was in paper cover, but this was changed in 1854, (General Laws 1854, p. 57,) and all such volumes were required to be covered with pasteboard covers with sheepskin corner and backs, and from that time this was the "usual manner" of covering such volumes.

The commissioners included this volume of the Governor's Message and accompanying documents (1100 copies) in making up their basis, in the second class.

The law distinctly places it there; the specifications place it there with equal certainty and distinctness, and the contractor and every bidder understood it to be there at the time the contract was let.

If the term "documents" in the law, in the specifications, in he basis and in the contract, does not refer to this volume, to what does it refer?

Section, 18 of chapter 114, of the General Laws of 1858, would seem to make this perfectly plain, if anything further was required to make it so.

"The laws and journals, messages of the Governor, reports of State officers and school commissioners, reports of committees of the Legislature, and all other documents required by the Legislature or any of the departments of the State to be

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printed, shall be of uniform size, so as to admit of their being bound together in a compact form."

These messages, reports and other documents, are the identical documents that are bound up into a volume entitled the "Governor's Message and accompanying Documents."

They are here spoken of in direct connection with the laws and journals. The law, in dividing the work into classes, in speaking of the printing in the second class, says it shall comprise the journals and documents, thus speaking of them in direct connection.

We claim then that there cannot be a question as to which class these documents belong.

The contractor, however, now claims that they belong to the first class; he once claimed otherwise, as will presently be shown. If they are admitted to be in the second class, he gets no pay for printing them, as in this class his bid is a thousandth part of a cent a volume. They belong to the second class, and should have been bound with pasteboard covers and sheepskin backs and corners; but the contractor has furnished them with common paper covers, claims that they belong to the first class, and has presented a bill, had it audited and paid at $6,318 79, making the cost of this *big, clumsy, comparatively useless* pamphlet in this shape to be $5 74 per volume, when under his contract he was bound to furnish a good, substantial bound volume for comparatively nothing!

We repeat, that at the time the contract was let, the contractor, and all others interested, understood and admitted that these documents belonged to the second class, and that they were to be printed without cost to the State. Mr. Carpenter, in the Madison Patriot of November 16th, 1858, after the contract had been awarded to him, and before the papers were signed, uses the following language:

"In the first class, Mr. Ross bids to do the press work at 63 cts. per token, and furnish *bill paper* at 73 cts. per quire. Now we admit this is considerably above regular rates; the latter, perhaps, some twelve times above cost; but on all other items in this class, Mr. Ross bids to do the work and furnish materials for nothing. He also proposes to print and bind all laws, journals and *documents* of the Legislature, for *nothing, as provided in the second class.*"

Here it was distinctly stated that the documents belonged to the second class, and that he was to receive nothing for printing them.

The contractor, in his communication to the Senate under date of February 9th, 1859, before quoted, uses the following language: "These figures apply exclusively to the State work

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during the session, and do not include the laws, journals, and *public documents*, which I am bound to print and *furnish for nothing*."

These admissions and statements we think are conclusive as to the construction the contractor put upon the contract at the time it was consummated, and for some time afterwards.

And further on this point, attention is called to an opinion of Attorney General Bouck as to which class these documents belong. This opinion can be found on page 11 of the Records of the Attorney General, on file in his office. This opinion is able, clear and conclusive, and is well worthy of examination.

THIRD CLASS.

The law (sec. 4, chap. 114, Laws of 1858) places in the third class the following:

"The printing of the several State Departments, including all blanks, blank books, used in the several branches thereof, of all kinds and descriptions whatsoever; to include such blanks as have heretofore been litographed or engraved, used in the several departments."

The law still further (sec. 4) prescribes the manner in which the commissioners shall advertise for bids, as follows:

"*Third Class.*—The price per quire for blanks, counting 24 sheets to the quire with one or more blanks to the sheet; also the price per volume for record-book binding, as may be directed by the department ordering the same."

As the contractor has set up some most extraordinary claims for work said to come under this class, the question will be examined somewhat critically.

The law in the first place (in sec. 3d, chap. 114, Laws of 1858,) places in this class the printing of the several departments; it then (in sec. 4) goes on to state definitely and in detail *exactly what kind of work* the commissioners shall ask bids for. Section 12 of the same act says that "the printing of the several departments shall be subject to the order of the respective officers thereof," and then goes on to say further, "no order shall be given for any work not absolutely required for the use and convenience of such office, and in quantities within the actual requirements of the departments making use of the same."

The authority to contract debts for which the State is liable and to draw money from the Treasury, are, and always should be, most carefully guarded. It is one of the highest and most sacred prerogatives of sovereignty, the power to tax the peo-

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ple, to take from them their money and then to dispose of it. The Constitution guards these things in a most careful manner. The Legislature, representing the sovereignty of the people, are guarded and restricted when they come to create debts which the people are to pay, and when they pass laws appropriating their money.

Section 8 of Article 8, of the Constitution of the State, is as follows :—

"On the passage, in either House of the Legislature, of any law which imposes, continues, or renews, a tax, or creates a DEBT, or CHARGE or makes, continues, or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the State, the question shall be tanen by aves and noes, which shall be duly entered on the journal; and three fifths of all the members elected to such House shall in all such cases be required to constitute a quorum therein."

Even the Legislature itself cannot create a debt or charge against the State, or draw money from the Treasury, without taking the yeas and nays, and duly entering them on the journal, nor even then can it be done if less than three-fifths of all the members elected to the respective bodies are present.

Can it be supposed for a single moment that the Legislature would confer these extraordinary powers upon the various State departments without throwing around them the most careful guards and restrictions?

These departments are intrusted with various duties. In the performance of these duties they need certain blanks and blank books. The Legislature cannot tell in advance exactly what will be needed, and in what quantities, and hence in providing for the letting of the contract for the public printing, they make provision for the wants of these departments; but they are exceedingly careful to guard the exercise of the extraordinary power they are conferring upon the heads of these departments.

The officers of the departments are authorized to order the work they need, but in doing so they must keep strictly within the limits of the law conferring upon them the authority. § 12, already quoted, says, "No order shall be given for any work not ABSOLUTELY REQUIRED for the use and convenience of such office, and in quantities within the ACTUAL REQUIREMENTS of the departments making use of the same."

All work in the third class is for the State Departments and is subject to the discretionary order of the heads thereof, within the authority conferred by the law.

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What does the law place in this third class? BLANKS and BLANK BOOKS, and nothing more.

What does the law authorize the Commissioners to ask bids for in this class? BLANKS and BLANK BOOKS, NOTHING MORE. What did the Commissioners set forth in their specifications as belonging to this class? BLANKS and BLANK BOOKS, and the binding of the original enrolled acts, joint resolutions, and memorials of the Legislature, *nothing more*. What did the Commissioners put in their basis and ask bids for? BLANKS, BLANK BOOKS, and the binding of the enrolled acts, NOTHING MORE.

What has the contractor contracted to do in this third class? To furnish BLANKS and BLANK BOOKS, and to *bind* the enrolled Acts, and *nothing more*,—and to order BLANKS and BLANK BOOKS to the extent they are *absolutely needed* for the use and convenience of the several departments, and in quantities within the ACTUAL REQUIREMENTS is the full extent of the authority conferred by law upon the heads of these departments, (with the exception of the Secretary of State, who is authorized in addition to send the enrolled acts to be bound) and the contractor has contracted to furnish nothing else, and if he does furnish anything beyond this, he does it outside of his contract, and must base his claim somewhere else than on his contract for his pay.

Every candid man will at once admit the wisdom of the Legislature in thus guarding the exercise of this most extraordinary power conferred upon the several State officers.

They have no power to order anything for which the State has not contracted, and the contractor is not bound to fill any of their orders when the work ordered is not distinctly covered by his contract.

The Commissioners claim that various orders have been given by the officers of the different departments which were entirely unauthorized by the law, and which have been audited in violation of the most clear and positive provisions of the law and contract.

We claim that proposals were asked, for furnishing certain articles in the third class, which are known by certain definite and distinct names; that there is not, that there cannot be any uncertainty as to the kind of article or the character of the work referred to.

BLANKS.—Cap or letter sheet size,
Flat Cap,
Folio Post, and
Medium size.

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These terms describe something that is certain and definite. A letter sheet blank, or flat cap sheet blank, or a medium sheet blank is something in relation to which there need be no mistake.

There is just as fixed and definite a meaning attached to these terms, as there is to the terms: hat, cap, stove, clock, door, or any other familiar term. And so with the various kinds of blank books described in the third class.

It was to furnish these blanks and blank books that bids were asked, and for nothing else, (save the binding of the enrolled acts) and these are the things the contractor has agreed to furnish in this third class.

Now we claim that various things have been ordered by some of the officers of some of the departments that they had no authority to order, that were neither blanks or blank books, and that in violation of every correct rule of interpretation of the contract, and without any authority of law, and at almost fabulous prices, in view of the actual value of the work, the bills for this unauthorized work have been audited, and warrants drawn upon the treasury for the same.

The first illustration on this point to which attention is called is a bill of the State Printer, for printing 125 quires of a "statement of the condition of the banks of the State of Wisconsin on Monday, July 4th, 1859," which he charges as a medium blank at $6 per quire, making the cost of printing this statement, $750.

Now in relation to this matter we claim that the Bank Comptroller had no authority to order this printing done; that there is no provision in the third class for anything of the kinds; that it is not a blank, and that it bears no resemblance to one; that even if the Bank Comptroller had authority to order such work; that no bids were asked by the commissioners for anything of this kind in the third class, and that the contractor has not contracted to furnish anything of this kind in this class. The authority and the only authority for the printing of this bank statement is found in section 19 of chapter 71 of the Revised Statutes. It is in the following language: "And it shall be the duty of the Comptroller to publish said reports together, once in some newspaper printed at the seat of government, accompanied with a summary of items of capital, circulation and deposits, specie and cash items, public securities and private securities; and the expense of such publication shall be defrayed by a pecentage assessed upon the capital stock of all the banks and banking associations in this State." The law goes on to set forth the manner in which the Comptroller shall collect from the seve-

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ral banks their appropriate share of the expense of publishing this statement in the newspaper as above provided.

The Comptroller is here directed to publish this statement once in a newspaper published at the seat of government, and to collect the pay for the same from the banks. He is not authorized to publish it in any other way, nor is he authorized to create a debt against the State for its publication, even to the amount of a single cent, yet without any authority of law, he has ordered 125 quires to be printed by the State Printer, and the Printer has brought in a bill for the same and had it audited as 125 quires of medium blanks, printed on both sides, at six dollars per quire, amounting to seven hundred and fifty dollars, where the actual cost of the work cannot exceed seventy-five dollars, if it does fifty dollars!

The warrant for this account has not been paid, and is the one involved in one of the cases now before the Supreme Court.

Among other bills which have been presented by the contractor, and audited for work the most of which was ordered without any authority of law, we would presant the following:

210 quires remarks on library laws, charged as medium blanks, at $6 per quire, ...	$1,260
40 quires envelopes, charged as medium blanks, three dollars	120
20 quires ditto, three dollars	60
120 quires wrappers, charged as medium blanks, three dollars	360
105 quires circulars to electors of school districts, at 140 dollars per quire.	147
	1,947

There is no authority whatever for ordering but a small portion of these things. They are not properly embraced in the contract. They are not needed, and yet here is a drain made upon the school fund of nearly two thousand dollars to pay for what was ordered mainly without authority of law, not embraced in the contract, and the actual cost of which cannot exceed one hundred and fifty dollars.

Illustrations under this head might be multiplied to almost any extent, but enough have been presented to show that there has been a great abuse in this direction.

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VALUE OF THE WORK ACTUALLY DONE AND OF THE MATERIALS FURNISHED.

The contractor has endeavored to create the impression that he is a great sufferer in consequence of the effort of the commissioners to hold him to a proper construction of his contract.

In relation to this point we would remark, that if the construction the commissioners claim is the correct one, the contractor should be held to it.

It would be a direct violation of one of the express provisions of the Constitution for the Legislature to give him anything more, as well as a violation of one of the positive agreements of the contract.

Section 26, of article 4, of the Constitution of the State, is as follows: "The Legislature shall never grant any extra compensation to any public officer, agent, or servant, or *contractor*, after the services have been rendered, or the contract entered into;" and in the contract itself we find the following most emphatic language:

"And it is further agreed and understood, that no other or extra charges or compensation than as above sprecified for the work or material above mentioned, or for the work or materials required of the public printer by said chapter 114, shall be exacted of or paid by the State UNDER ANY CIRCUMSTANCES WHATEVER"!!

The entering into the contract with the State was a voluntary act on the part of the contractor. Other parties were anxious to do the work of the State. Various parties made their bids and did all in their power to secure the contract. Mr. Ross comes in ahead with his low figures, and becomes the contractor.

If he has made a bad bargain it is his own lookout. By pursuing the course he did he has prevented some one else from doing the work of the State; and hence we claim under the Constitution of the State, as well as the contract itself, he is estopped from receiving any extra compensation UNDER ANY CIRCUMSTANCES WHATEVER.

But as your sympathies have been appealed to in this direction, a brief statement of the actual facts in the matter, is presented:

The commissioners, in advertising for bids, made what they supposed to be a large estimate of the amount of work to be done during the present year. They took as their basis the work of the previous year, without making any deductions where the Legislature has diminished the quantity of work

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to be done. The aggregate amount to be paid for doing the entire printing of the State for the year, as proposed by the different bidders in the bids opened at the time the contract was let, is as follows:

James Ross	$6,471 59
Calkins & Webb	7,985 60
Joseph Wilkes	10,483 80
John B. Norton	18,582 00
Atwood & Rublee	24,290 50
S. M. Booth	30,341 00
B. C. Hale & Co.	35,176 00
F. C. Messinger and Chas Kohlman & Bro.	39,897 50

In the above stated amounts the thirteen thousand five hundred bound volumes required by the State, are counted five times, so that (the amounts named cover the price at which the bidders prepose to furnish sixty-seven thousand five hundred bound volumes, instead of thirteen thousand five hundred. That is, they propose to furnish for the price named thirteen thousand five hundred bound volumes in five different kinds of binding. Deducting, then, the amount included for the bound volumes in the kinds of binding in which they are not used, and including the price named for the thirteen thousand volumes in the binding in which they will be actually used by the State, the actual bids for doing the printing for the year, are as follows:

James Ross	$6,471 59
Calkins & Webb	7,135 10
Joseph Wilkes	10,439 80
John B. Norton	18,042 00
Atwood & Rublee	20,227 00
S. M. Booth	19,406 00
B. E. Hale & Co.	19,921 00
F. C. Messinger, and Chas. Kohlman & Bro.	29,629 00

Particular attention is called to two facts:

First. That in making up the estimate of the quantity of work to be done for the year, the commissioners were required to take as a criterion the work of the preceding year.

The amount of work done that year was very large and consequently their estimate was a very large one. Again they made no deduction when the Legislature had very materially reduced the quantity of work to be done.

The Legislature had reduced the number of annual reports to be printed, from 8,000 to 5,000, and other similar reductions, while at the same time they had reduced the aggre-

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gate amount by providing that the work should be done without any unnecessay "ledding" or "break lines." &c.

Second—That taking this large estimate of the quantity of work to be done, responsible parties had offered to do the entire work of the State, for aggregate sums ranging from 19 to $29,000.

It is generally admitted by those competent to judge, that those bids which foot up, say 19 or 20,000, may be called fair bids, that is bids where a fair living price (taking into consideration the quantity of work to be done, and other incidental advantages) is charged for every item of work done, and materials furnished.

Now notice—responsible parties, charging fair living prices for every item of work to be done and material to be furnished, on a large estimate of the quantity, agree to do the entire work of the State for a year, for a sum not exceeding $20,000.

The persnet contractor has presented bills for a portion of the work for a year, has had them audited and paid to the amount of $36,183,17, exclusive of what he has received for advertising, as that is not embraced in his contract. He has also presented bills and had them audited, (exclusive of advertising,) amounting to some $20,000 more, which remains unpaid, and it is understood that he has claims for a very large amount more, for which he has not presented his bills. These unrendered bills, amounting to any sum from 75 to $150,000, and all this claimed on a contract where the aggregate footing of the bid on a large estimate of the quantity of work to be done was but $6,471,59·100.

These are most astonishing facts. How are we to account for them?

What is the actual value of the work for which the contractor has already received $36,183,17?

Under the most liberal interpretation of the contract, giving the contractor the benefit of every doubtful question that has arisen, he will not be entitled to over about 11,000, and this same work, under the bid of B. E. Hale & Co., where it is admitted on all hands that a fair living price is charged for every item of work done, and material furnished, it would amount to $13,668,57!!

For that portion of work for which he has actually been paid, (and this includes almost the entire amount of the work which he is required to do for nothing,) he has received $25,000 more than he is entitled to under his contract, and $22,000 more than the work would have cost under the bid of B. E. Hale & Co.!! and yet the contractor is presenting

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to you, long arrays of figures to show what an expensive job the printing of the State has been to him!

The estimate of the quantity of work to be done for a year, upon which the contract was let, was a very large one and the amount of work thus far shows this to be so. True, on those items where the contractor gets a very large price for the work done and the material furnished the quantity seems to be very *mysteriously* increased, but on almost all the rest it falls below the estimate.

Take the first class.

The basis called for 7,550,000 ems of composition, the actual amount is 7,500,000.

The press work for which the contractor get a large price, the basis names 2,000 tokens.

The actual amount is 3,079.

Paper for book work, the basis names 6,750 quires, the actual amount where this kind of paper was designed to be used is 7,689 quires.

Paper for bills, &c., the basis estimates 2,000 quires, actual amount 6,549 quires, (this is another item where the contractor got a very large price.)

Folding, the basis estimates 700,000 sections, the actual amount is 400,000.

The number of pamphlets named in the basis, 80,000; actual number furnished, 67,000.

In the second class the actual amount is much less than the estimated amount.

Basis Figures.	*Actual Figures.*
Composition 13,000,000 ems.	7,100,000 ems.
Press work 5,000 tokens.	3,487 tokens.
Paper, 25,500 quires.	16,492 quires.
Folding, 2,500,000 sections.	778,900 sections.
Binding, 13,500 volumes.	13,800 vols.

In the third class:

The quantity of blanks named in the basis is 5,000 quires, while the actual quantity furnished is but 3,775 quires.

While the quantity of the most of the blanks used is very much diminished, the quantity of medium blanks for which a very high price is paid, is more than double that of the estimate.

The basis estimated 4,200 quires of blank books, bound in different styles and various sizes. These books are usually expensive. The various bids to which reference has been made, covered the cost of furnishing 4,200 quires, more than one-half of which were of the large and expensive kinds,

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while the actual quantity is but 294 quires, costing under Hale's bid less than $500.

A great deal has been said about the immense amount of work which the contractor does for nothing.

The only work which he has actually done for nothing, is that in the second class, and the blank books in the third class. True, there are certain kinds of work in the first class, such as composition, folding, stitching, &c., for which he gets nothing, but the balance of the work and materials, (the press work and paper,) connected with the composition, &c., pays a large price for the job taken as a whole.

The cost of the work in the second class, including the big pamphlet (Governor's Message and accompanying documents) under Mr. Hale's bid would amount to -	$7,068 60
The contractor has had audited in the first class, the "big pamphlet," belonging to the second class, and has received for printing it,	6,318 18
	750 41

So that the actual value of work he has done for nothing in the second class, is but $750 41, added to the cost of the blank books furnished for nothing in the 3d class, say $500, makes the entire amount about which so much has been said, and such enormous figures presented, to be $1,250 41, and no more!!

BLANKS, &c.

The bid upon which the contract was let is a very peculiar one, a bid of altogether a different character from what plain, honest, straightforward men usually make in bidding for work to be done or materials to be furnished. Mr. Carpenter stated to the committee on printing a few evenings since, the reason why he bid in the way he did; he states that at the time the advertisement was published asking for bids, there were in this place two Democratic presses; that both were anxious to secure the printing contract, and that the possession of this contract was essential to their existence, and that the one which was unsuccessful in the contest would be obliged to suspend. He was exceedingly anxious to secure the contract, he was bound to get it if it could possibly be accomplished.—When the bids were opened, and the commissioners saw the character of the bids, they were in a quandary as to their duty. They were well satisfied from calculations they had made in preparing the basis, that the work of the State for a year would be worth somewhere between 10 and $20,000, and,

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yet here were bids offering to do it on a very large estimate of the quantity, for aggregate sums ranging from 6 to $8,000.

They knew that the work could not be done for any such sum, and they were perfectly satisfied that the contractor would lose thousands of dollars in case he did the work, or else, that there was some way not understood by the commissioners, nor by the other bidders, in which he was calculating to *construe* the contract to his own advantage. They were told that the bid was a fraudulent one, that it bore upon its face the evidence that the bidder did not intend to live up to it in good faith. While fully sensible of the force of these suggestions, after a careful examination of all the provisions of the law, and after seeking legal advice from the highest sources, the commissioners reluctantly came to the conclusion that the law gave them no discretion in this matter; that the law presumed that all bids would be fair and honest, and that they were bound under the law; to award the contract to the one whose bid footed up the lowest in the aggregate. Mr. Ross' bid was the lowest in the aggregate, and the contract was given to him.

The Commissiorers knew, and so did every man who was at all informed about the matter, know that under a plain, literal and common place interpretation of the contract, as understood by all parties when it was awarded, that Mr. Ross could not do the work of the State without loss. They had no idea that he really intended to lose money if he could help it, but we expected that some then unthoughtof construction would be claimed for the contract. It was a matter of considerable discussion among those who were acquainted with the facts in the case, as to what particular claim he would "set up," as to what particular "dodge" he would resort to to save himself from loss. That he would resort to something of the kind, all admitted; the question was, what will it be?

After the contract was let, and before the papers were drawn, the Commissioners were informed that the contractor intended to save himself by a peculiar way of counting blanks, that is, by counting a piece of paper, however small, a *sheet*, and calling 24 of these blanks a quire. A custom of counting blanks in this way had got into vogue. The investigating committee of 1858, in their report to the Legislature, called attention to this matter in the following words. After speaking of the very large quantity of blanks which had been paid for during the previous year, (500 reams,) they go on to say:

"In addition to this your committee are informed that the manner of counting these blanks is frequently such as to

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virtually secure pay for several times the number of quires furnished. For instance, a page of blanks may be divided, as in the case of certificates, so that four or five may be required to make up the page, in which case 24 of these separate certificates or blanks are counted for a "quire" in the sense of the contract, instead of 24 full sheets of paper, in the common acceptation of the term. This may account to some extent for the apparent enormous quantity of blanks used."

It was at the session of the Legislature when this report was presented, that the printing law, under which this contract was let, was passed, and one of the special objects had in view was, to stop this abuse. The law was framed with this thing expressly in view. New phraseology was introduced in speaking of blanks. "The price per quire for blanks, counting (what? not 24 blanks to the quire,) twenty-four sheets to the quire, with one or more blanks to the sheet."

The Commissioners fully understand this matter. They were here in Madison, and in the Capitol, when the report of the investigating committee was presented, and when the law was passed. They heard the matter discussed, and knew exactly what the Legislature designed to accomplish by this part of the law; and in their advertisement, in the preparation of the specifications, and in their basis, they kept this particular matter constantly in view, and so used language that they supposed there could be no mistake on *this point*, at all events.

The law provides (sec. 9, chap. 114,) that "before entering upon such contract the said board shall cause to be drawn up an agreement to be entered into between the State and the contractor, fully setting forth the terms and conditions under which the work contracted for and set forth in the 4th section of this act, shall be executed, which agreement shall describe the manner of doing the work, the materials to be used, and all other facts necessary to a clear understanding of the work to be done, and no bill shall be allowed for work not performed, or material not furnished in accordance with such agreement."

The Commissioners, as before remarked, having understood that the contractors intends to resort to this old "dodge" or "steal," if you like the term better, to save himself from loss on his contract, and thereby defeat one special object the Legislature had in view in passing the law,—one special object the Commissioners had in view in letting the contract; they felt it to be their imperative duty so to guard the matter that it would be impossible for him to accomplish his object. Section 9, of chapter 114, just quoted, provides that the Commissioners shall cause to be drawn up an agreement to be

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entered into between the State and the contractor, setting forth the terms and conditions, &c.

The Commissioners handed the law, the specifications, the bid, and all other matters connected with the contract, to the Hon. Harlow S. Orton, and requested him to draw up such an agreement as was contemplated in § 9, above quoted, and in doing so they called Mr. Ortorn's attention particularly to this matter of the blanks, and instructed him so to word the agreement as to carry out fully the design of the law in this respect, and thus to prevent all "steals" in this direction.

In accordance with the instructions of the Commissioners, Mr. Orton incorporated into the agreement or contract the following clause:

"And it is further agreed that in estimating the several items of blanks in the third class, no more paper shall be charged or paid for than is actually necessary for the proper printing of said blanks, and that in no case shall 24 blanks be counted as a quire of blanks, unless 24 sheets of one of the kinds of paper mentioned in said bid, in said third class, be necessarily used in executing the same.

On this point we quote a few lines from a Message of Gov. Randall to the Senate, to be found on page 746 of Senate Journal of 1859:

"The Commissioners understood, and I now understand the words "counting 24 sheets to the quire" to mean 24 sheets of paper, and the words "with one or more blanks to the sheet" to mean "with one or more blanks to the sheet of paper" and the paper to be of the size there enumerated, to wit:—cap or letter sheet size, &c. To avoid any misconstruction, and to avoid confusion as to the clear obvious meaning of the specification in this particular, the Commissioners caused it to be set out in the contract in these words:—

"'It is further agreed, that in estimating the several items of blanks in the said third class, no more paper shall be charged or paid for than is actually necessary for the proper printing of said blanks; and that in no case shall twenty-four blanks be counted as a quire of blanks, unless 24 sheets of one of the kinds of paper mentioned in said bid, in said third class be necessarily used in executing the work. It was further made a part of the said contract "that the items of work and materials, and the prices and compensation provided for the same, shall be construed and understond according to the plain and literal signification of the language used, and the meaning thereof shall not be enlarged by any technical construction.'"

"Mr. Ross's bid and contract for blanks is as follows:—

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"'For blanks, per quire, on one side only, viz:—for cap or letter size, seventy cents, for flat cap, per quire, fifty cents, for folio post, per quire, twenty cents, for medium size, per quire, three dollars.'"

"The kind of paper upon which the blanks are to be printed is here mentioned, and the kind indicates the size. The specifications and the contract intend that in printing blanks by the quire, it shall be and should be construed to mean quires of paper, covered, so far as practicable with blanks; the number upon a sheet, and therefore the number of blanks in a quire, depending upon the size and character of the blanks, otherwise the specifications and contract had better have said, and called for blanks by the dozen."

Enough has been said to render the proper construction of the contract in counting blanks perfectly plain and clear to every candid mind.

The attempt on the part of the contractor to force a construction upon his contract in the matter of counting the blanks so as to get him out of his difficulties not seeming likely to succeed, his next attempt was to substitute "print or newspaper" in the first class, in place of book paper, and then to construe the whole into cap paper, thereby charging for double the quantity delivered, in express violation of those provisions of the law and the contract which forbid in the most positive terms all "constructive charges," and then charging for the paper seventy-three thousand times more than what he agreed to furnish the book paper for. This matter has already been fully explained and hence we will pass to notice the next "dodge" or attempt of the contractor to force an unwarranted construction upon the contract in connection with the provisions of the law and the contract in relation to specimens.

SPECIMENS.

Great stress is laid upon the fact that the law requires specimens to be filed, and most extraordinary powers are claimed to attach to these specimens. It is claimed, virtually, that through the aid of these specimens the most important provisions of the constitution, the express requirements of the law, the positive provisions of the contract, and the object and design of the commissioners can all be nullified and set asid .

The power and influence claimed for these specimens would render null that provision of the constitution which requires that all printing done for the State should be let to the lowest bidder; it would render void the same provision repeated in

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the law under which the contract has been let; it would make powerless that provision of the law and the contract which provides in express terms that "no constructive charges shall be allowed, and no work or material paid for unless it appears to have been actually performed or furnished," and would entirely destroy the force of that part of the contract which says, "and it is further agreed that the items of work and material above mentioned, and the prices and compensation provided for the same, shall be construed and understood according to the plain and literal signification of the language used, and the meaning thereof shall not be enlarged or changed by any technical construction."

A most careful consideration is asked for this matter before any such most unusual and extraordinary claims are admitted.

Section 5, of chapter 114, laws of 1858, provides that "bidders shall be required to furnish with their bids SPECIMENS OF ALL CLASSES OF WORK which this act *authorizes them to bid for*, and such specimens as may be deposited by the successful bidder shall be filed away by the Secretary of State, and shall at all times be a standard criterion for all work to be done by him for the State; and such specimens shall be the guide for auditing all accounts under the contract, and should the work prove inferior to such specimens, in the opinion of the Secretary of State, or officer duly authorized to canvass the same, such work shall be refused. And it shall be the duty of the said Board of Commissioners to refuse to consider any bid not accompanied with SPECIMENS OF EACH CLASS OF WORK authorized to be bid for, and in determining who is the lowest bidder the quality of the specimens presented shall be considered *in* connection with the price proposed."

In their advertisement for bids the Commissioners say: "Bidders are required to furnish *specimens* of each class of all classes of work bid for."

In the contract itself we have the following language: "And it is further agreed that the specimens of work now in the office of the Secretary of State to which the said James Ross has referred the said Board of Commissioners in question with his said bid, as a part of the subject matter of this contract, and for no other purpose whatever shall remain in said office as a standard criterion for all work to be done under this contract, according to the full intent and meaning of sec. 5 of said chapter 114."

What is the object of the law in providing that specimens shall be furnished? Simply to furnish a "standard criterion" for the work; to furnish a guide for the auditing of all ac-

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counts under the contract, and in the language of the contract itself, "*for no other purpose whatever.*"

Criterion is defined to be a standard, a fact, by which other facts are to be compared in order to establish their truth.

The law says "bidders shall furnish specimens of all *classes* of work which they are *authorized to bid for.*" Again, in another section, the law requires that *specimens of each class of work authorized to be bid for* shall be deposited. Again the advertisement states that "bidders are required to furnish specimens of each class of *all classes* of work *bid for.*"

In the first class, bidders were required to furnish specimens of such work in this class as they were authorized to bid for. They were to bid for furnishing paper for book work, 18x24 inches, weighing 18 lbs. to the ream. The law states precisely what kind of paper they were to bid for, and the only specimen which would be proper for them to furnish under this head would be *book paper*, 18 *by* 24 *inches*, *weighing* 18 *lbs. to the ream*, as this is what they are authorized to bid for. This specimen of paper was to remain on file in the office of the Secretary of State as a "standard criterion" with which to compare the quality of the paper furnished, and to guide the auditing officer in passing upon the bills presented for payment.

It would be his duty to compare the paper in the work furnished with the specimen on file, to see if the quality was as good as that of the specimen.

Should the bidder deposit cap paper instead of book paper, 18x24 inches, that would not make it so. The simple fact of his depositing cap paper would not destroy all the distinctions between *cap* and *book paper*—wipe out from his contract the express provision that the "contract shall be construed and understood according to the plain and literal signification of the language used, and the meaning thereof shall not be enlarged or changed by any technical construction."

The position that the depositing of one article as a specimen and labeling it something else; for instance, the depositing of a pamphlet and labeling it a medium blank, would make it a medium blank within the meaning of the law and the contract, is an exceedingly strange one, to say the least, in view of the language just quoted from the law and the contract.

Now, what were these specimens deposited by the several bidders? and what view did the commissioners take of them? or what course did they pursue in relation to them?

The several bidders brought in large piles of books, pam-

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phlets, paper and blanks. The quantity furnished by each one was considerable.

As a general thing, they were very nearly alike; in some cases one bidder's specimens were duplicates of those deposited by others. In the first class there were specimens of book paper, of cap paper, and of paper for the slips or daily journals, and of pamphlets, as specimens of pamphlet work when furnished. The paper in the pamphlets deposited was not regarded as the specimen of the paper to be used in printing them, but of the general style of doing the work as a whole. The *sample* of the *paper* was deposited as a *sheet* of paper of a particular size and weight, as required by the law.

In the *second class*, comprising the bound volumes, were deposited *specimens* of book paper, in sheets, of a particular size and weight, and several bound books as specimens of the binding and of the general style of work.

In the *third class*, comprising the blank books and blanks, were deposited blank books of the various styles of binding and sizes. In the case of these books, as the books were to be bid for as *books*, and not as parts, as for paper and binding separately, they had to be regarded as specimens both of the style of binding and the quality of paper. In this class were also deposited a large number of blanks of all sizes and descriptioas, many of them duplicates, many of them such blanks as are used in the various departmeuts, and some such as are used elsewhere.

The specimens deposited by the various bidders were so near alike in their general character, and the aggregate amount of the bids so wide apart it was absolutely impossible for the commissioners to be at all influenced by the quality of the specimens in awarding the contract.

There was so much similarity in the quality of the specimens, that even had there been two bids where the aggregate amount was precisely the same, it would have been exceedingly difficult to have decided between the bidders on the ground of the quality of the specimens.

The law says the bidders shall furnish specimens of all classes of work which they are authorized to bid for under the law. The commissioners have only to see that they have proper specimens of the different classes of work for which they ask bids—they have nothing to do with specimens of anything else—the bidder may deposite them if he sees proper, but they are of no account, they have no force, and the commissioners are not to take them into consideration in any way whatever.

And after the specimens are deposited, neither the commis-

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sioners, or the auditing officers have anything to do with them, except to have them remain as a standard criterion by which to judge of the quality of work done and material furnished, and in this way to be a guide for the auditing officer.

The commissioners satisfied themselves that they had specimens of the various classes of work for which they had asked bids, and taken as a whole they were satisfied with the specimens.

They had asked for bids in the first class for two kinds of paper, and for two kinds only. They found specimens deposited which were satisfactory.

The first class comprised the pamphlet work. In this class they saw specimens of pamphlet work, which they looked upon as specimens merely of the general style of work—not of the paper—as specimens of this were in another shape, as sheets of paper.

There may have been many other things deposited of which they took no notice. The did not consider that they had anything to do with any specimens of anything for which they had not asked bids.

Their only concern was to see that they had specimens of what the law requires they should have specimens of, and then their duty in this direction ended.

So in the second class. They noticed the specimens of paper, of binding, and of the general style of the work; they were satisfied with them, and that was all that was necessary.

And so in the third class. They had advertised for various kinds and sizes of blank books. They saw that these were specimens of this class of work. A single book in each kind of binding would have been sufficient. The books were described in a way to make the kind wanted, clear and definite. Had there been but one book of each style of binding, that would have governed, as to the paper, &c., for all other books wanted in the same style of binding.

The commissioners were satisfied that they had samples of this class sufficient in number to guide the auditing officer and thew looked no further. And so with the blanks. There were various kinds of blanks for which bids were asked. They knew just what these blanks were; that is, they knew what a blank on a sheet of letter paper was; what a blank on cap paper was; what a blank on folio post was; and what a blank on medium paper was. They found that they had specimens of just what they had asked bids for, and in considerable quantities. They found several specimens of medium blanks, regular medium blanks, specimens of cap and fo-

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lio post, and letter sheet blanks, just precisely the articles for which they had askedbids.

They were satisfied with these specimens, and when they had found what they wanted—all that the law required—they had no occasion to go any further—they did not go any further, and they took no notice of anything else—they had no occasion, no authority, no business to take notice of anything more. They had found all the specimens the law required should be deposited, and they were satisfied with them. How many hundreds of other things the contractor may have deposited in the office of the Secretary of State, or elsewhere, we know not, and care not: we have nothing to do with them. For all we know or care, he may have deposited bushels of books and pamphlets, cats and dogs, and similar articles. The assumption that because the contractor may have deposited certain articles in the office of the Secretary of State, that therefore they were accepted by the commissioners, and not only accepted by them but accepted under a name which did not correctly describe the article, and that thereby the thing became a part of the contract, is certainly a most extraordinary one.

The commissioners never took any notice whatever of any thing of the kind.

They had adversised for bids for certain definite things, things that were known by particular names, and when they had found specimens of the things for which they had asked bids, they went no further; they had no authority to go any further; and even if they had gone further and accepted a pamphlet, and called it a medium blank, or accepted of a last year's almanac, in common paper covers, as a specimen of calf-skin binding, that would not have made it so, and in acting thus they would have exceeded their authority, and their acts would consequently have been void. They could not in this way have changed the meaning and force of the clear and positive provisions of the law and the contract.

The Commissioners claim that they examined and accepted of specimens of the articles, that the law directed them to ask bids for and nothing else, and the specimens which they accepted were such as harmonize entirely with their construction of the contract, and no other; and that these are the only specimens that are entitled to any weight or consideration in co ection with the contract.

There are sundry articles now in the office of the Secretary of State, claimed to be "specimens" deposited by the contractor, that we do not recognize as specimeos accepted by the commissioners, nor do we even know anything about them.

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There are also articles there that we are willing to recognize as "specimens" that have endorsements on them that are not authorized by law, that can have no binding force, that were never recognized by the commissioners, and cannot in any possible way form a part of the contract.

PROTEST OF S. D. CARPENTER.

To the Honorable the Legislature:

The undersigned most respectfully asks of your Honorable Bodies to consider this, his protest, against that portion of the Report of the Joint Committee on Investigation, which assumes the right to settle and finally determine the construction of the contract for the public printing, and which construction purports, so far as the undersigned is able to judge, by conversing with the Committee, to be founded on the amount of work assumed to have been done, but in reality, as your humble servant verily believes from the averments of the Committee, does not embrace scarcely half, if it does even one-fourth of the work actually done—and to make the point more clear the undersigned submits the following facts:

Early in the session, learning that said Committee had employed three persons, all of whom were represented as practical printers, to compute the amount of work done for the State, and wishing to facilitate such investigation, as much as possible, and knowing that but a limited portion of the work actually done could be found by vouchers, in the Auditor's office, (for reasons which will be fully given herein) the undersigned applied in person to each member of the said Committee, as near as he can remember, about five or six weeks ago, to be permitted to give such information on this subject as could not be found in the State offices. Each one of said Committee assured him he had no objection, if the other members of the Committee had none—and feeling assured from this, that an opportunity would be offered to furnish the information necessary for a full understanding of *all* the facts, before the Report was submitted, the undersigned held himself in readiness, at

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any time the information should be sought, or an intimation given him that it would be received, to give the Committee all the facts. A few days ago, however, the undersigned learned that the Chairman did not desire any information from him, and was astonished when he heard said Chairman state in his place that such a request had been made of the Committee, but that it was then too late to receive the proffered information or any explanation from the contractor. On the 26th inst. the undersigned, for the first and only time, was permitted to enter the Committee Rooms by consent, to *see the Committee*, but not any portion of their report, and the only privilege granted him was to remonstrate against the action chalked out by the Committee in reference to this matter. The undersigned was then and there informed that the Committee did not feel bound to go beyond the vouchers, in the public offices, and still, he is informed, they have gone beyond the vouchers to inquire into the gossip that has been indulged about this printing matter. He informed them that he had done work for the State amounting to more than double the amount for which vouchers had been rendered. He assured the Committee that one reason was, a large portion of the work paid nothing under the contract, and would not pay the expense of the paper required to make out the bills; and another reason was that a large portion having been done under the Third Class, at such enormously high rates, under the contract, that he would not ask the auditing officer to audit the same, till the Legislature had had an opportunity to adjust it, if desirable, on a scale that should be just towards the State and not oppressive on the contractor. The undersigned presented these reasons to the Committee, and offered to show said Committee, *beyond a doubt*, that they had not been able, thus far to compute but a small portion of the work actually done, and he asked the privilege to furnish said information, to be incorporated in said Report. This was refused. He then asked if the Committee would state, in their Report, that the Contractor claimed that they had left out a large portion of work, without assuming any responsibility, themselves, as to the amount or the correctness of such claim. To this he got no definite answer. He then asked the Committee to submit his request to the Legislature, that he should have the privilege, at his own expense, of publishing, with said Report, the opinion of Mr. Abbott, together with such additional facts, as to the amount of work that had been done, which the Committee had left out of their Report, which he understood the chairman to assent to. He further states that said Committee has not at any time asked him a question touching the amount of work done, with a view of soliciting information—

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that he has not been permitted to submit any legal arguments, as to the proper construction of his contract—that he further requested the committee to state, in their Report that *if* his construction was correct, then the amounts were all properly audited—*if* not correct, then they were not properly audited, &c. This he understood the Chairman to refuse, who, at the same time claimed the right to report his (the Chairman's) opinion as to the construction of said contract, adversely to the undersigned; against which the undersigned did then, and does now, protest, for the reason, as he verily believes, that said Committee have no judicial powers, and their decision, either for or against, can have no binding effect in law or equity, and can only be intended to prejudice his rights before the Court, and no matter what the object, the *effect* will be to create unjust and illiberal prejudice against individual rights without any corresponding benefit to the State or any one else.

As near as your protestant can arrive at the amount of work and materials on the balance of the contract not represented by vouchers in the Secretary's office, and, of course, omitted in the Committee's calculation, the balance so omitted may be stated as follows:

No. quires (medium size),	133,091
do....(at contract size partly medium)	151,354
Tokens press work,	25,888
Sections folding,	3,632,496
Ems composition,	32,427,000
Volumes binding, about	15,000
Volumes Covering, Trimming, &c	150,000

Besides some fifteen thousand dollars worth of blanks, and advertising laws, &c., and your protestent is ready and willing, at any time, to show the actual work, which, as near as it is now possible to compute, cannot fall much, if any, below the above figures.

Your protestant is not aware that he has been wanting in any endeavor to furnish the committee with all the information in his power. He has not in the least attempted to throw any obstacles in the way of the committee's having full scope to ferret out wrong, if wrong exists. He believes it the duty of said committee to expose all wrongs, but he protests against this reporting a small portion of the work he has done, in such a way as may carry the impression that such are all the facts, and thus commit a palpable wrong themselves.

Feeling that gross injustice has been done him, whether maliciously or innocently, your protestant will not here attempt to say. He asks of the honorable the Legislature, the privilege to publish, *at his own expense*, in connection with the said report, the legal opinion of Mr. Abbott, together with such facts

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concerning the actual amount of work done as may have been omitted by the said committee; and he has no means of knowing how much that is, not having been permitted, in season, to see their figures. Right will wrong no man, nor can the interests of the State be injured by a recital of all the facts; and all your protestant desires is, that what he does claim—the reasons therefor—and all the facts connected therewith, may be given to the public in connection with the report—together with the report of the Printing committee—to the end that the candid of all parties may form their own opinions for themselves from the facts presented.

Your protestant learns further, that said report states that he was required to furnish book paper in the first class, and that the paper so furnished *is* book paper. Your protestant denies this most unequivocally; and also denies that, by section 5, of the printing act, and the contract, as well as the specimens, he was required to furnish book paper for this class of work; and he offers the following affidavits, which were before the Printing committee, to prove the quality of the paper and work on the pamphlets:

STATE OF WISCONSIN, } ss.
Dane County,

Samuel A. Spencer, being duly sworn, deposes and says that he has acted as head clerk in the office of the Daily and Weekly Patriot, in said county, for the period of nearly ten months, that as such clerk he has conducted the business correspondence of the office, sent orders for and received bills of paper, and kept the account of the same on the books of said office, and that the bills and receipts rendered for book paper have always been distinct from those rendered for "print," or any other kind of paper, that book paper is invariably a heavier article than print paper, and so far as the knowledge of this deponent goes, is entirely different, both as regards its cost and quality. This deponent further states that he has personally examined the specimens deposited by James Ross, on file, in the office of the Secretary of State, and labelled "specimens of paper, &c., for extra incidental jobs in the first class," and that the paper used in said specimens is not "book paper," but is what is usually termed by paper makers and printers as print paper, and further this deponent saith not.

SAMUEL A. SPENCER.

Subscribed and sworn to before me, this 31st day of January, 1860.

JAMES ROSS,
Notary Public, Dane County, Wis.

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STATE OF WISCONSIN, } ss.
Dane County,

Otis P. Martin, Foreman of the Job Office, Peter Stout, Foreman of the Book Work, E. B. Quiner, Book Printer, and H. D. Snow, Foreman of the Press Room, being duly sworn, do depose and say, each for himself, that he is a practical printer, and understands the difference between book and print paper, and having personally examined the specimens on file by James Ross, in the office of Secretary of State, labelled "specimens of paper, &c., for extra incidental jobs in the first class," duly depose that the paper used in said specimens is not book paper, that such paper is neither bought or sold as book paper, but is of an inferior kind, known in our business as "print" paper, and further deponents saith not.

O. P. MARTIN,
PETER STOUT,
E. B. QUINER,
H. D. SNOW.

Subscribed and sworn to by each of said deponents before me, this 31st day of January, 1860.

SAMUEL A. SPENCER,
Notary Public, Dane County, Wis.

STATE OF WISCONSIN, } ss.
Dane County,

John S. Folds, being duly sworn deposes and says, that he has been at the printing business for about fifty-seven years, that at one time he executed the Government Printing in Dublin, and for many years carried on a large book and newspaper office—that in all his business relations in the art, both in Ireland and America, he has invariably known book paper to be of a superior quality and kind to print or newspaper—that he has personally examined the specimens on file in the office of Secretary of State, under the contract of James Ross, and he further deposes that the paper used in said specimens, as labelled "specimens" of paper, etc., "for extra incidental jobs in the first class," is not book paper, but is a much inferior kind, as is commonly known among paper makers, book-binders and printers as "print" or newspaper, and further this deponent saith not.

JOHN S. FOLDS.

Subscribed and sworn to before me, this 31st day of January, 1860.

SAMUEL A. SPENCER,
Notary Public, Dane County, Wis.

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STATE OF WISCONSIN, } ss.
Dane County,

James Wilson, of the city of Milwaukee, in said State, being duly sworn, deposes and says, that he has for many years been employed as book-keeper and salesman in a paper manufacturing establishment, and is now so engaged—that he is well acquainted with the terms used by paper makers to designate the different kinds and qualities of paper manufactured, that he has personally examined the specimens on file in the office of the Secretary of State, by James Ross, labelled "specimens of paper, etc., for extra incidental jobs in the first class," and that the paper used in said specimens is not book paper, but is what papermakers make and sell under the name of "print" or newspaper, and deponent further states, that the labor in preparing the pulp and conducting the process of manufacture, and the fabric used are more expensive than in producing print or newspaper—that the one is always sold to customers by bill as book paper, and the other as print or newspaper, and further this deponent saith not.

JAMES WILSON.

Subscribed and sworn to before me, this 30th day of January, A. D. 1860.

S. D. CARPENTER,
Notary Public, Dane County, Wis.

STATE OF WISCONSIN, } ss.
County of Dane,

John Eberhard and F. C. Festner, being duly sworn, depose and say, each for himself, that he is a practical book binder, and as such understands all the terms usually employed in said business, to designate each kind of labor to be performed, and each kind of materials used in said business; that "*stitching*, covering and trimming pamphlets," in no sense, known to the language employed in book binding, refers to book work; that a pamphlet is not a book, nor the labor to make a pamphlet "book work;" that in book binding, the work of putting the several sheets together, is known and paid for as "sewing" *by the form*, while similar work, in putting together pamphlets, is designated, and the work paid for as "stitching, trimming, covering," etc., *by the hundred copies;* that there is a radical difference between the cost, weight and texture of book and print paper, the former being heavier and sized, while the latter is cheaper, lighter and *unsized*; that said deponents, each for himself, have examined the specimens on file in the office of the Secretary of State, under the contract with James Ross, and labelled "specimens of paper, etc., for extra incidental jobs

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in the first class;" that said specimens are in pamphlet form, stitched, trimmed and covered, according to pamphlet work, and in no sense, by the terms used in said business of book binding, can said pamphlets be styled books, or the labor performed to produce them book work; that the paper used in said pamphlets, is in no sense, by terms known to the business of book binding, book paper, but is of a much inferior kind, known as unsized *print*, or news paper. And said deponents further state, that the process of "sewing" together the sheets for book work, is entirely different from the process of "stitching" pamphlets; that although the former process might be adopted to produce a pamphlet, yet, to the knowledge of said deponents, the latter process is never adopted to produce a book. And further deponents saith not.

JOHN EBERHARD,
F. C. FESTNER.

Subscribed and sworn to before me, this 31st day of January, 1860.

JAMES ROSS,
Notary Public, Dane County, Wis.

The committee further state, positively, that the joint resolution instructing the auditing officers, never passed the Assembly. This is a most remarkable statement, since all the members of the committee were members last winter, and supported the vetoed bill and the joint resolution. Messrs. Elmore and Bovay were both in the Assembly at the time the resolutuion passed, and so far as the memory of your protestant serves, both supported and voted for it; at least, no one made objection to it. Your protestant is informed that the passage of said resolution is properly noted in the written journal of the Assembly, but by some accident is not noted in the printed journal. The resolution was properly passed and returned to the Senate, as will be shown by the official endorsements thereon. The original was deposited in the office of the Secretary of State by Dr. Cook, Assistant Chief Clerk of the Senate. The whole resolution, with the endorsements thereon, is as follows:

Resolved, by the Senate, the Assembly concurring, That the Secretary of State and State Comptroller be, and they are hereby, authorized and required to audit and allow all bills of the State Printer as follows, to wit: All paper used in the first class mentioned in the specifications attached to the contract for public printing between James Ross and the State of Wisconsin, for bound books or volumes, shall be audited and allowed as "paper for book work," at the price mentioned in the first class of said specifications for book paper, (18 by 24 inches,)

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and all other paper mentioned in the said first class, for whatever purpose used, shall be audited and allowed at cap size, and at such price as is fixed by the said bid and contract. The amounts to be audited and paid to the State Printer as authorized by this resolution, shall not, in the aggregate, exceed the sum of thirty-nine thousand and ten dollars and sixty-three cents ($39,010 63) for all the work done and materials furnished during the period commencing at the date of the contract and terminating December 31st, 1859, as per tabular statement and estimates accompanying this resolution, which said statement shall be filed and preserved in the of office the Secretary of State as the basis of computation; and if the work done or materials furnished shall exceed in quantity the specifications of said statement, all such excess shall be paid for in such manner as the Legislature may hereafter prescribe, and all other work and materials done or furnished, in either the first, second, or third classes, shall be audited and allowed according to the provisions of said specifications, the law under which the Public Printer acts, and the specimens he has on file in the office of the Secretary of State, according to the spirit and letter of the law, and the usual custom among printers and stationers, in either Milwaukee or Chicago; and

Resolved, further, That in case the said Secretary of State, or State Comptroller shall fail to agree upon the construction of the law or the contract, they may consult with such lawyers as they may think proper, without, however incurring any liability to the State for the legal advice given, and they shall, if necessary, take the affidavits of one or more book-binders, stationers or printers living in either Milwaukee or Chicago, to determine what is the usual custom among printers on any given point of difference; *Provided*, The public printer shall first pay all the necessary expenses of tabular statement and estimates accompanying this resolution, which said statement shall be filed and preserved in the office of the Secretary of State, as the basis of procuring such testimony.

The endorsements on said resolution are as follows:

JOINT RESOLUTION No. 44, S.

In relation to accounts of State Printer.

3-16 Introduced by Senator Hanchett.

3-18 Amended and adopted.

H. BOWEN, Chief Clerk Senate.

18-3 Received from Senate and adopted.

L. H. D. CRANE, Chief Clerk Assembly.

3-19 Received from Assembly, concurred in.

Stamped on back, as follows:

State of Wisconsin, Secretary's office, March 23, 1850.

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As further proof, your protestant offers the following statement from Col. Crane, then and now the accomplished Clerk of the Assembly:

ASSEMBLY CHAMBER,

Madison, March 24, 1860.

S. D. CARPENTER, ESQ.,

Editor Daily Patriot:

DEAR SIR: I have your favor of this morning, inquiring as to the passage of a joint resolution by the Assembly of 1859, "directing the auditing officers to audit certain items in the contract for public printing."

I presume that you allude to joint resolution No. 44, S., of 1859.

I have to say, in answer, that the Assembly Journal does not show that that resolution was concurred in by the Assembly.

My recollection, however, is clear upon the matter. It did pass the Assembly by a vote the largeness of which surprised me, and which was the subject of remark at the time by Mr. Speaker Lyon, Major Dean (who was my associate at the clerk's desk), and myself.

As the omission of the proper entry of its passage upon the journal is a failure for which I am responsible, it has seemed proper that I should state the facts in the case, as derived from an examination which I have just made in the Secretary's office, and in the pages of the printed journals.

I find from the printed journals as follows:

On the 16th day of March, 1859, Sen. Hanchett offered the following resolution in the Senate:

J. R. No. 44, S.,

Resolved, by the Senate, the Assembly concurring, That the Secretary of State and State Comptroller be, and they are hereby authorized and required to audit and allow all bills of the State Printer as follows, to-wit:

All paper used in the first class mentioned in the specification attached to the contract for the public printing, between James Ross and the State of Wisconsin, for bound books or volumes, shall be audited and allowed as "paper for book work," at the price mentioned in the first class of said specification, for book paper, (18 x 24 inches), and all other paper mentioned in the said first class, for whatever purpose used, shall be credited and allowed at cap size, and at such prices as is fixed by the said bid and contract. And all other work and material done or finished in either the first, second, or third classes, shall be audited and allowed according to the provisions

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of said specification—that law—under which the public printer acts, and the specimens he has on file in the office of the Secretary of State, according to the spirit and letter of the law, and the usual custom among printers and stationers in Milwaukee or Chicago. And,

Resolved further, That in case the said Secretary of State or State Comptroller, shall fail to agree upon the construction of the law, or the contract, they may consult with such lawyers as they may think proper; without, however, incurring any liability to the State for the legal advice given; and they shall, if necessary, take the affidavits of one or more book-binders, stationers, or printers, living in either Milwaukee or Chicago, to determine what is the usual custom among printers, on any given point of difference: *Provided*, The public printer shall first pay all the necessary expenses of providing such testimony.—*Senate Journal of* 1859, *page* 726.

On the 18th day of March, 1859, Sen. Hanchett made the following report to the Senate:

The select committee, to whom was referred the communication of the Governor, with his objections to the act entitled an act to declare the construction of certain items of work in the contract for public printing, have instructed me to report the same back with tabular statements, intended to show the basis and estimates upon which said contract was made, and a statement of the amount of work the State will require, as nearly as the same can be estimated from the work already done, together with the cost thereof under the construction given to said contract by the act aforesaid.

L. HANCHETT.

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Official Basis, and bidding of James Ross.

First Class.		
Composition, 7,550,000 ems	$0 00 1-1000	$0 07 1-2
Press-work, 2,000 tokens	63	1,260 00
Paper, book-work, 6,750 quires	00 1-1000	06 3-4
do bills and incidental jobs, 2,000 quires	73	1,460 00
Folding, 700,000 sections	00 1-1000	07
Stitching, &c. 80,000 pamphlets	00 1-1000	00 8-10
Second Class.		
Composition, 13,000,000 ems	00 1-1000	13
Press-work, 5,000 tokens	00 1-1000	05
Paper, 25,500 quires	00 1-1000	25 1-2
Folding, 2,500,000 sections	00 1-1000	25
Binding, in paper covers, 13,500 volumes	00 1-1000	13 1-2
do in cloth covers, 13,500 volumes	00 1-1000	13 1-2
do in pasteboard covers, 13,500 vols	00 1-1000	13 1-2
do in sheepskin cavers, 13,500 vols	00 1-1000	13 1-2
do in calfskin covers, 13,500 volumes	00 1-1000	13 1-2
Third Class.		
Cap or letter blanks, 1,500 quires	70	1,050 00
Flat Cap Blanks, 2,500 quires	50	1,000 00
Folio Post blanks, 1,000 quires	20	200 00
Medium blanks, 500 quires	3 00	1,500 00
Blank Books per quire, as follows:		
Cap size, with printing, 100 quires	00 1-1000	00 1-10
Cap size, without printing, 100 quires	00 1-1000	00 1-10
Flat cap with folio post, printed, 300 quires	00 1-1000	00 3-10
do without printing, 100 quires	00 1-1000	00 1-10
Medium size, with printing, 600 quires	00 1-1000	00 6-10
do do without printing, 100 quires	00 1-1000	00 1-10
Medium size, with printing, 300 quires	00 1-1000	00 3-10
do do without printing, 100 quires	00 1-1000	00 1-10
Medium size, with printing, 300 quires	00 1-1000	00 3-10
do do without printing, 100 quires	00 1-1000	00 1-10
Enrolled acts, 4 volumes	00 1-4	01
		$6,471 61 5-10

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The Various Bids as applied to the Estimated and Known Amount of Work.

	No. 2.—James Ross.	
First Class.		
Composition, 10,000,000 ems	$0 00 1-1000	.....
6,000 tokens	63	3,780 63
6,750 quires book paper	00 1-1000	.....
31,000 quires incidental do	73	22,630 00
3,000,000 sections	00 1-1000	.....
100,000 pamphlets	00 1-1000	.....
Second Class.		
13,000,000 ems	00 1-1000	.....
8,000 tokens	00 1-1000	.....
36,000 quires	00 1-1000	.....
3,000,000 sections	00 1-1000	.....
Binding, in paper, 500 volumes	00 1-1000	.....
do cloth, 8,000 volumes	00 1-1000	.....
do pasteboard, 14,000 volumes	00 1-1000	.....
do sheepskin, 3,000 volumes	00 1-1000	.....
do calfskin, 1,000 volumes	00 1-1000	.....
Third Class.		
10,000 quires, cap or letter size	70	7,000 00
5,000 do flat cap	50	2,500 00
8,000 do folio post	20	1,600 00
500 do medium	1 00	500 00
100 do cap blank book, printed	60	60 00
100 do do without print.	50	25 00
300 do folio post printed	1 00	300 00
100 do without printing	1 00	100 00
1,600 do medium, printed	1 75	2,800 00
100 do do without printing	1 50	150 00
300 do printed	1 25	375 00
100 do without printing	1 10	110 00
300 do printed	1 15	345 00
100 do without printing	1 00	100 00
4 vols. enrolled acts	50	2 00
		$60,602 50

Senate Journal p. 772.

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The question was then taken upon the passage of the bill, declaring the construction of the printing contract, which the Governor had vetoed, and the Senate, by a vote of 15 ayes and 12 noes, failed to pass the bill.

It would seem, from the Journal, that the above quoted Joint Resolution was at once taken up for consideration.

Senator BURDICK offered some amendment which was lost. It does not appear upon the Journal, and is not preserved with the original resolution.

Senator MARTIN, then offered an amendment as follows:

The amounts to be audited and paid to the State Printer as authorized by this resolution, shall not, in the aggregate exceed the sum of thirty-nine thousand and ten dollars and sixty-three cents ($39,010 63) for all the work done and materials furnished, during the period commencing at the date of the contract and terminating December 31st, 1859, as per tabular statement and estimates accompanying this resolution, which said statement shall be filed and preserved in the office of the Secretry of State, as the basis of computation. And if the work done, or materials furnished, shall exceed in quantity the specifications of said statement, all such excess shall be paid for in such manner as the Legislature may hereafter prescribe.

At the foot of this amendment is a memorandum, in Senator MARTIN'S hand writing, as follows: "annex the tabular statement reported by the Committee this morning"—referring evidently to the tabular statement reported by Senator HANCHETT, from which I have taken an extract above.

This amendment was adopted.

Senate Journal, p. 780.

The Resolution was taken on the same day to the Assembly for concurrence.

Assembly Journal, p. 954.

That it was concurred in by the Assembly at once, I distinctly remember.

My memory is corroborated by the following facts—

It was endorsed in the hand writing of Major DEAN, my associate clerk, whose accuracy is unquestionable: "18-3 Rec'd from Senate and adopted." The signature under this endorsement is "L. H. D. Crane, Chf. Clk., Ass'y," and is in my own handwriting.

The resolution was, on the same day, returned by me to the Senate, with the following message:

MR. PRESIDENT:

* * * The Assembly has concurred in the passage of

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J. R. No. 44, S., in relation of accounts of State printer.
Senate Journal, page 792.

The last endorsement upon the resolution is in the hand writing of Dr. Cook, who was then Assistant Clerk of the Senate, and is as follows:

"329. Returned from the Assembly concurred in."

I have to add that our "Senate Resolution Book" has the entry of the title of the Resolution, and the fact of its passage on the 18th day of March, in the ordinary form.

In fact, the whole history of this resolution is complete and of record, except that the fact of its passage is omitted from the Assembly Journal.

I have been thus minute in order, as far as possible, to rectify an omission for which I alone am responsible, and which, I sincerely hope, will prejudice no one's rights or interests.

I am, respectfully,

L. H. D. CRANE,
Chief Clerk Assembly for 1859.

Your protestant is at a loss to know how your committee could possibly be mistaken about this matter, as they were personally acquainted with the facts, and when the official records are so easy of access to all who want to know facts. Your protestant will not here attempt to give his views of the *motives*, but is content to state facts, as appear of record, with the single inquiry: Is this the way to treat the dearest rights of citizens, by making such statements, and refusing to receive and report the plainest facts that appear upon record? It would be utterly impossible, in the time allowed, for your protestant to exhibit all the absurd statements and misstatements of the report. The committee have seen fit to place their construction on the legal rights of your protestant in this contract. To this he most earnestly protests, as a gross injustice, as the whole matter ought to be left to the courts of law, without the prejudice of an *ex parte* report, with no testimony to accompany it, as in this case. Two of said committee profess no knowledge of the law, while all of them have signed a report mainly written, as your protestant is informed, by one who is neither a lawyer or a practical printer. As a construction is attempted to be placed upon the contract, your protestant desires to place in juxtaposition with that construction the following letters of inquiry, and the responses thereto, from the Hon. Charles Dunn and Chauncey Abbott, Esq., and asks that the same may go out with this report:

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OFFICE OF THE DAILY PATRIOT,
Madison, Dec. 27, 1858.

HON. CHAS. DUNN,

DEAR SIR: May I trouble you for a legal opinion on the following points:

1st. The 114th chapter, section 3, of the printing law of 1858, classifies the printing to be done for the State into three classes, viz: 1st. "To comprise all printing *incident* to the business of the two Houses while in session." 2d. "To comprise the journals and documents of the two Houses, and all General and Local Laws passed by the Legislature." And, 3d. "The *printing* of the several Departments, *including* all blanks, blank books, used in the several branches thereof, of all kinds and descriptions whatsoever," &c.

2d. Section 4, of said act provides that the board of commissioners for letting the contract *shall* get up "specifications" and a "basis," with a view to soliciting bids for the work as follows: [Here follows the same classification as in section 3, embracing all the *items* of work in each class. I omit the 1st and 2d class items as there is no controversy likely to arise respecting these two "classes," and quote from the 3d class of items as follows]:

"*Third Class.*—The price per quire for *blanks*, counting 24 sheets to the quire, with one or more blanks to the sheet; also, the price per *volume* of record books; *binding* as may be directed by the department ordering the same," &c.

These you will see are all the items authorized by law to be bid for; nor do the specifications or contract of the public printer recognize any other items in the third class.

The latter part of section 4, declares that the specifications (a copy of which I herewith present for your inspection,) shall form a part of and be attached to the contract.

Also see section 5, of said act, which declares that bidders shall be required to furnish "specimens" of each class of work, and that such specimens as may be deposited by the successful bidder shall be filed away as a *criterion* for *auditing* all work done by said State printer, &c.

With this reference to the law, I will now refer you to the *facts*, and request your opinion on the two combined.

1st. As it was evident some of the departments would be likely to require the printing of work in pamphlet form, and as section 8, of said act expressly refers to such work for the departments, and requiring the printer to be bound to print the same, and as the law and the specifications make no provision for paying for such work, only under the item of *blanks*, and

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as the paper used for such work must necessarily be of "medium" size, the successful bidder deposited a "specimen" of such pamphlet work, which was, I think, a copy of the school law of the State, with other matters prepared by the Superintendent of Public Instruction, which he labelled "specimen of medium blank printing in the 3d class."

Now, the simple question is, as the law declares this work *shall* belong to the third class, and makes no other provision for bidding or paying for the same, yet compels the printer to print all such work, can it be audited or paid for under any other head than "medium blanks per quire?" Since the specimens, which the law says "*shall* be the criterion for auditing all accounts under the bid," were offered by the bidder and *accepted* by the State as "specimens of blank printing in the third class."

I have thus been particular in my statements and quotations, to save you time in hunting up the points, which are all *fresh* in *my* mind.

One other point and I will cease bothering you. You will see that by section 4, already quoted, that the law compels the commissioners to solicit and receive bids for "record book *binding*" by the "*volume*," but you will see by the specifications, and the copy of the contract, herewith handed you, that they did not follow the law, but let the work by the *quire*. Now, as, in that particular, the commissioners did one thing, when the law says they *shall* do another, can they hold the State printer to the terms of his contract under *that* item, when the law authorized no bid of the kind to be made or received?

Please respond to the above queries at your earliest convenience, and believe me ever

Your faithful friend,

S. D. CARPENTER.

MADISON, Dec. 29, 1858.

S. D. CARPENTER, ESQ.:

DEAR SIR:—Your note of the 27th inst., soliciting my legal opinion on certain questions growing out of the law of 1858, upon the subject of the public prining, and the contract with the State by the lowest bidder under said law, is just received, and in reply I send you my opinion upon the questions presented. The 114th chapter, section 3, of the printing law of 1858, classifies the printing to be done for the State into three classes: 1st, To comprise all printing *incident* to the business of the two houses while in session; 2d, To comprise the journals and documents of the two houses, and all general and local

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laws passed by the Legislature;" and 3d, "The printing of the several State departments, *including* all blanks, blank-books used in the several branches thereof, of all kinds and descriptions whatsoever."

The 4th section provides "that the board of commissioners for letting the contract, before receiving proposals, may employ one or more persons competent, to draw up *specifications* as to what shall constitute a printing bid, and a *basis* upon which the same shall be computed. Omitting the first and second class specifications, upon which no question is likely to arise, I quote the provisions of said 4th section, as to what the third class shall specify, to wit:

"*Third Class.*—The price per quire for blanks, counting twenty-four sheets to the quire, with one or more blanks to the sheet; also the price per *volume* for record-book binding, as may be directed by the department ordering the same. Said specications shall be drawn up in plain terms, and shall clearly set forth all facts and directions which are to govern the State printer in the performance of his duties." The same section provides "that the specifications shall form a part of and be attached to the contract."

The 5th section of the act provides "bidders shall be required to furnish with their bids, specimens of all classes of work which this act authorizes them to bid for, and *such specimens* as may be deposited by the successful bidder, *shall* be filed away by the Secretary of State, *and shall at all times be a standard criterion* for all work to be done by him for the State; and such specimens *shall be the guide for auditing all accounts under the contract.* And should the work prove inferior to such specimens, in the opinion of the Secretaay of State, or officer duly authorized to *canvass* the same, such work shall be refused." The second provision of the 8th section of the act, refers to *pamphlets* as work that may be ordered by the departments, and requires the successful bidder to perform such work.

From these various provision of the act referred to, it is clear that all the printing for the several State departments falls within the *third class* of public printing. The law having arranged all printing for the departmements of State in the third class, and having recognized the printing of *pamphlets* as work that may be ordered by the departments, the work is necessarily in the third class, and when performed by the public printer as ordered, must be audited and paid for under the one or the other of the specifications of the said third class. It could not consistently be charged under the head of the second specification, to wit: "the price per *volume* for record-book bind-

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ing." The work then, must, necessarily, fall under the first specification, to-wit: "the price per quire for blanks," and it would follow that the pamphlets should be charged under the head of "medium blanks per quire," as that is the size used in book and pamphlet work. This view is further sustained and strengthened by the fact that the successful bidder deposited a "specimen" of such pamphlet work, which was a copy of the school laws of the State, or something like, labelled "specimen of medium blank printing in the third class." The law requires the public printer to do such work, and neither the law nor specifications having made any other or different provisions for paying for such work, it is clear to my mind that the printer may, by the law, specifications, specimen, and contract, charge for the same under the head of "medium blanks per quire." It would be exceedingly unjust to the public printer, to require of him printing, under the penalty of his bond, and afford him no means of obtaining compensation therefor. The law does not intend this, upon any reasonable construction.

In regard to the second question submitted for my opinion, I can say without hesitation that is my decided opinion that your contract in reference to the record-book binding, by the quire, is obligatory on you, and can be enforced in law. Since your bid has been received, the contract entered into, and your bond given and approved, you, with the board of commissioners, are a State agent, or officer, and all your contracts, obligations, and duties, as such, are for the benefit of the State, and if the State deems it of public interest to enforce these contracts, obligations, and duties, the law will certainly lend its aid. And it would be no defence against this legal and equitable right, to say that the board varied the requirements of the law in a slight particular, and I agreed with them, and bid according to their specification, and entered into a solemn contract, for the time being, to secure the public printing and become State printer, reserving the right to object thereafter to a full compliance with my contract, on the ground that the board and myself varied the law slightly.

Yours, truly,

CHARLES DUNN.

OFFICE OF DAILY PATRIOT,
MADISON, Jan. 28th, 1860.

CHAUNCEY ABBOTT, ESQ.,

SIR:—Availing ourselves of the courtesy of the Joint Committee on Printing, to be heard for our rights before that committee by counsel, we herewith present for your consideration,

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several points involved in the printing contract, on each of which, we respectfully ask you as a lawyer, to return in writing, such legal opinions as you may honestly entertain, on the assumed and admitted facts herewith presented.

1st. There are two and *only* two items for paper mentioned or authorized to be bid for, in the first class, (see sec. 4, div. 3, of printing law)—the specifications, the bid, and the contract —the first of these is declared to be for *book* paper, for use in book making—to be 18x24 inches in size, and to weigh at least 18 pounds to the ream.

The second is "paper for bill work, cap size, and such extra incidental jobs as may be required." It is admitted that the specimens are a part of the contract, and by section 5, of the printing law, must be "the standard criterion "for doing all work, and the guide in auditing all accounts under the contract." It will be proved by incontrovertable evidence, and will no doubt be admitted, that the specimens on file in the first class in reference to pamphlets and that kind of work, are made from *print* and *not* from book paper. Although it is admitted that the State could not compel us, under the contract, to furnish a better quality of paper than contained in the specimens, it is nevertheless contended, that the account for such kind of paper, must be adjusted at the price, set opposite the item of *book* paper in the bid. We contend that the price must be determined by the *quality* of the paper—the use it is put to, as shown by the specimens and items in the bid, as such items stand respectively to the objects for which the paper is to be used, and as the State could not compel us to furnish book paper for the pamphlets, printed in the first class, it cannot legally refuse to pay us the price, per quire, set opposite *the other* kind of paper mentioned in the first class; and as the specifications fix the size of that paper, there is no difficulty in determining the number of quires used in any given job.

The question then is, are we correct in the premises, and should not the specimens be taken in all cases for just what they were presented for, by the printer, and *accepted* for by the State?

2d. It is an admitted fact, that considerable pamphlet work has always been done in the third class—(and section 3, of the printing law determines that all work done for the departments shall be done in the 3d class)—while the law, the specifications, the basis, the bid, nor the contract, provide any means whereby the printer could get pay for pamphlet work in that class, in the usual way for rendering items for such jobs, and it is admitted that the bidder, in order to obtain pay for any work of the kind that might be required in the said 3d class, pursued

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the only course in his power, and submitted specimens to cover said work, the nearest resemblance to any item authorized in that class to be bid for, and labelled two pamphlet specimens in that class, "as specimens of medium blank printing in the 3d class." These facts are patent to all who will look at the specimens on file, (an official certificate from the Secretary of State, is herewith presented.) While it is contended that the State is not bound, to adjust the accounts under such a scale, no sufficient reasons have ever been given for such a decision; we contend, however, that the State is bound to comply with its expressed stipulations, even though these stipulations may somewhat change the usual custom among the craft, for it will be seen, as the State accepted the offer of the bidder, it cannot now, unless by mutual consent, change the effect of that offer and acceptance. We therefore contend, that by the terms of the contract, in the only sense in which it can be interpreted, every twenty-four sheets of medium paper, (18x24 inches), used in pamphlet or book work in the 3d class, must be counted and adjusted by the price set opposite the item of a quire of medium blanks in the 3d class. Is not this the legal and just deduction from the facts in the premises?

3d. By section 19 of the printing law, it will be seen that the State stipulated with the printer to pay him such usual legal rates for all advertising done for the State, as might be allowed for publishing legal notices and advertisements. It has been contended, 1st, that the paper in which the laws are required to be published, is not the "State Paper," although three consecutive Legislatures have refused to establish any other State paper, on the ground that the public printer was the proper person to select such *official* paper under the law—and 2d, that the commissioners had a right to determine upon a less sum than the maximum price established by law for advertising by the folio. Now, we hold both these propositions to be untenable and unjust, and call your attention to the said sec. 19, which clearly established the right of *all* publishers in the State to charge legal rates for all advertising done at the time the contract was entered into; nor could the Legislature impair that right, so far as the public printer was concerned, by any subsequent act. The Legislature has not only refrained from any attempt to impair the rights under the contract in this respect, but by chapter 178, laws of 1859, the public printer is expressly excepted from the effect of that chapter; and besides, we claim, that under sections 57, 58 and 63, of chapter 133, Revised Statutes, we are legally entitled to charge one folio for each description in the list of forfeited school, swamp and university lands. The account, however, has been audited

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at only half that amount for each tract, and without being driven to court, at heavy expense for counsel fees, and vexatious delays, we would be content with it as it is; but the answer solicited from you is designed to cover our *legal* rights in the premises. We hold that the said section 19, together with chapter 87, and chapter 178, General Laws of 1859, determine our rights to charge legal rates, and that no power exists to force us to accept a less compensation than the maximum rates fixed by said chapter 87, except by our own consent. Are we not right on this point?

4th. Section 4 of the printing law only authorizes bidders to bid for *blanks* "per quire," in the 3d class. We contend that the clause in the contract, which declares that 24 blanks shall not count a "quire of blanks," unless a *quire* of paper is necessarily used in printing the same, is a violation of the terms and requirements of the contract under the bid, and a protest was entered at the time against this clause on the books of the Secretary of State. The Judiciary Committee of the Senate last winter, submitted an able report on this subject, in which they took the ground, that the commissioners could not compel the bidder to yield to any other conditions than those imposed by the terms of the law and his bid. (See Senate Journal, 1859, page 555.) The question is, was the printer bidding for blanks "per quire," as specified in section 3 of the act? If so, is he not entitled to count every 24 blanks as a "quire of blanks?" We understand the term in said section 3, "with one or more blanks to the sheet" to mean such blanks as are necessarily printed with one, two and in some instances, three stubs, which cannot be separated before being used, or any like blanks that are required to be used together—the whole being considered *technically* several blanks, but *practically* but one.

The above are all the controverted points involved in the contract. We are either right or wrong. If we are wrong, we have failed to discover any reasons to convince us of that wrong, either in the law, the specifications, the bid, the contract, or the general customs that govern our craft. If we *are* really wrong, then of course we are stripped of all compensation, and must do all the vast amount of printing and binding for the State—for just *nothing*. If we are right, then, under the proposition we have submitted to settle the pamphlet work in the 3d class by count under the terms for similar work in the 1st class, then we shall not receive such remuneration, over the first cost for doing the work, as any gentleman would be willing to accept as a salary for the drudgery performed.

In conclusion, may we ask you to give the several points above presented, a most rigid scrutiny, and to render us such

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opinions as would be safe in any tribunal of law. We do not ask or expect opinions in our favor, unless we are clearly in the right; and we shall expect from you, sir, such a respone as you would be willing to defend in any court of justice.

Very respectfully, CARPENTER & HYER.

Messrs. CARPENTER & HYER:

Gentlemen:—I have received your communication, asking my opinion on certain questions arising out of the contract of James Ross, as State Printer. I shall not find it convenient in discussing the several questions stated by you, to follow exactly the order or form adopted by you, but shall endeaver to discuss and give you my opinion on such points as clearly determine the principle upon which the other questions rest, and by which they must be determined. I hope, in this way, to abridge somewhat the length of the argument and course of reasoning, upon a subject which, I foresee, cannot at best, be made very concise.

The subject is not only very important—of great publicand private interest—but it is also very complicated, and by no means free from difficulty. This complication arises in part from the provisions of the law under which the contract was entered into, and in part from the subject matter of the contract.

The law (chap. 114, laws of 1858,) divides the work into three classes. No one can fail to perceive that differences of opinion, involving large sums of money, as to what class much of the work required is properly included in, must arise between the State and the printer. If the price in the first and third class be not the same for similar kinds of work, a constant effort might be looked for on the part of the printer to crowd the largest amount possible into that class for which he was to receive the highest price, and on the other hand, the officers of the State would be equally zealous to put the largest possible amount into the class for which the State was to pay the lower price. Any one in the least conversant with the legislation of the State, and the course of business in the several State Department, will see at a glance that every year a large amount of printing is required to be done by the public printer, which it is difficult to dermine whether it be incident to the business of the two Houses while in session, or whether it be properly a part of the printing of one of the several State Departments—again, the almost endless variety of work and material required of the printer, still further complicates this subject. Conscious of these difficulties, I shall endeavor to avoid details and state as few points as possible, and from the multitude of ques-

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tions that are involved and arise out of this contract and the business done under it, and select and disentangle from the mass such as are leading and on which are others more or less depend.

The first questions that I propose to consider is, as to—What consideration, force and effect, should be given to the *Specimens* of work and materials offered by Ross, with his bid and on file in the office of the Secretary of State.

The contract was made under the provisions of chapter 114 of the act of 1858. That act divides the printing into three classes, and appoints the Governor, the Secretary of State and State Treasurer, Commissioners to enter into contract for the State printing. The Commissioners are by the law directed to advertise and let the contract to the lowest bidder. For the purpose of aiding both the Commissioners in determining what bid is the lowest—for the work must all be let in one contract—and for the information of bidders, the Commissioners were authorized to employ one or more competent persons to draw up specifications as to what should constitute a printing bid, and a basis on which the same shall be computed.

The Commissioners procured and published for the information of bidders such specifications, in which is set down under each class the work and material to be bid for under such class. This is first stated in general terms, as in the law—then under each class is some attempt at specific description in subdivisions. One object sought to be attained by means of these specifications doubtless was, to produce uniformity in the bids and thereby enable the commissioners the more readily to determine which bid taken as a whole was the lowest, yet a glance at the specifications shows that for this purpose at least they were very defective. For instance, under the third class, notice is given that bids will be received for all printing of the several State Departments including blanks and blank books—and in the specifications under this class all is put down under two heads—blanks and blank books, and bidders are invited to bid under one of these heads for all the printing of the State Departments.

As ordinary printed matter required under this class could not in any way properly come under the head of blank books, the bidder had no alternative but to bid for such work under the head of blanks, and blanks must be bid for by the quire. No opportunity was offered to the bidders to bid under this class as in the first and second, for composition, press work, folding, stitching paper, &c. If the commissioners proposed to receive bids for printing pamphlets and other work required by the State departments under the head of blanks—and for a fixed

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price for every 24 sheets of paper used in printing such work, or in other words at so much per quire instead of the usual and ordinary mode as indicated in the first and second class, I can see no reason why they might not lawfully have done so. Nothing is more certain than that all the printing required by the State departments could only be contracted for under the third class, and must be settled and paid for under that class. It may be well to bear in mind a few general rules applicable to the construction of contracts as universally recognized—as that a contract should be so construed as to give effect if possible to every part of it. That in construing any particular provision in a contract, reference should be had to the other provisions contained in the contract—also the purpose intended by the printer to be attained and the object effected by means of such contract when it was entered into.

In this instance the State sought to procure all its printing at the lowest price at which it could reasonably be done in the way and manner proposed, and the bidder sought to obtain such work at a reasonable price and compensation. Such undoubtedly was the purpose and object of this contract.

In this case it is peculiarly proper and necessary to look into the whole contract as it embraces so great a variety of subjects and number of particulars, all of which are required to be embraced in one contract—and which cannot be properly understood without a careful examination of the law and its various provisions—the acts of the commissioners on the part of the State, including the advertisement, specifications, bids, specimens and contract, and work done under it.

With these preliminary remarks, as to the contract generally, and some of the rules of construction obviously applicable, I proceed to consider more particularly what effect and consideration ought to be given to specimens of printing and material filed and labeled as *specimens*.

Section 5 of the law under which the contract was entered into, reads as follows:

"Bidders shall be required to furnish with their bids *specimens* of all classes of work which this act authorizes them to bid for, and such *specimens* as may be deposited by the successful bidder shall be filed away by the Secretary of State, and shall at all times be a standard criterion for all work to be done by him for the State, and such specimens shall be the guide for auditing all accounts under the contract. And should the work prove inferior to such specimens, in the opinion of the Secretary of State, or officer duly authorized to canvass the same, such work shall be refused, and it shall be the duty of such board of commissioners to refuse to consider any bid not

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accompanied with such specimens of each class of work authorized by this act to be bid for, and in determining who is the lowest bidder, the quality of the specimens presented shall be considered in connection with the price proposed."

It will be seen by this, that the law imperatively requires:

First—That the bidder shall furnish with his bid, specimens of each class of work bid for—and then no bid shall be considered by the commissioners which are not accompanied with such specimens.

Second—That such specimens shall at all times be a standard criterion for all work done by him for the State.

Third—Such specimens shall be the guide for auditing all accounts under the contract.

Fourth—In determining who is the lowest bidder the quality of the specimens shall be considered.

Why does the law so strictly require that such specimens shall be filed away in the office of the Secretary of State and be a part of the contract?

The object, aim and purpose on the part of the State, was; First—To obtain a *standard criterion* for all work to be done by the State Printer.

Second—A guide for auditing all the accounts of the State Printer.

The State, as if unwilling to trust to the uncertainty of words, of description alone, required a specimen of the *thing* itself, something visible and tangible, that could at all times be seen and handled.

A criterion is some thing by which we may judge of some other thing. It is a standard of judging, or by which we may judge. What is the specimens in the Secretary's office for? The law says as a standard criterion for all work to be done by the State Printer. That is, the thing with which the work done shall be compared, and by which its description and quality shall be tested and determined. And this rule must be applied as well to the description or kind of work, or material, as to the quality. It is quite apparent that the commissioners who acted for the State, or those whom they employed, either did not intend fully and accurately to describe in the specifications, all the different kinds of work that the State might require of the State Printer, or that they signally failed to carry out such intention. To illustrate: the law (sec 3) says that the third class shall include the printing of the several State departments, *including* blanks and blank books. By reference to the specifications. (Senate Journal 1859, p165,) it will be seen that the third class of printing is all included under two divisions, to wit: 1st, Blanks; 2d, Blank Books.

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It would seem, to one of ordinary understanding, that the above heads or divisions of the third class, were not very appropriate, for many items of printing is usually required by the several State departments. It cannot, I presume, be doubted, that a very large amount of printing is usually done in pamphlet form, always has been and is still required by the State departments and that this class of printing should be provided for under the third class, and cannot lawfully be placed elsewhere. As an instance of what I refer to, the revised statutes, chapter 10, section 64, authorize and direct the Superintendent of Schools to "prepare for the use of common school officers suitble forms for making reports and conducting all necessary proceedings, and he shall cause the laws relating to common schools, with the rules, regulations and forms aforsaid, and such instructions as he shall deem necessary to be printed, together with a suitable index in pamphlet form, by the person authorized to do the state printing, at the expense of the State, to be distributed," &c.

No one, I presume, will deny that this is an instance of printing in pamphlet form required to be done and paid for under the third class. The law directs the officers to publish in pamphlet form. That was a suitable and appropriate word by which to designate the form and manner in which that kind of printing should be done. It is true, that as a general rule, words in a contract are to be understood in their usual and ordinary meaning and signification. Yet, it is equally true, that if parties contracting intend, and do use in a contract any word in a sense different from its ordinary sense and meaning, and attach a peculiar sense and meaning to such word, the peculiar sense and meaning which the parties choose to give to such word for all the purposes of such contract, must prevail. Otherwise the clear intention of the parties would be defeated. The intention of the parties, as expressed in the contract must govern, if such intention can be ascertained. Now, what printing did the State intend to contract for under the third class? Beyond all question, all printing required for the State departments—as the law directs—so they advertise—so they contract—so the bidder intends—he bids for this—he puts in specimens for this. He contracts for this, binding himself, to do all the work as required by chapter 114, at the prices named in his bid and according to the specimens which are referred to as a part of the subject matter of the contract and to be the standard criterion for all work done under his contract, according to the full intent and meaning of section 5, of said chapter 114.

I find that no less than 33 different specimens were filed under the Third Class. Under this class I find the following specimens:

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No. 18. Specimen—The banking law of the State of Wisconsin, with an appendix, printed by Atwood & Rublee, 1858. Labelled as follows—Specimen of medium blank printing in the third class.

No. 19. Specimen—School code. Labelled same as above.

No. 24. Specimen of annual report of clerk of school district No.—, of the town of—. Labelled as follows: Specimens of blanks, letter size, in the third class.

Now, if the commissioners acting for the State, chose to contract for the printing of the school laws, forms and instructions above referred to, and other similar work required by the other departments under a name and by a description unusual and inappropriate, *that* cannot affect the validity of the contract. The law is plain and explicit, that all the printing of the several State departments shall be contracted for and done under the third class.

Section 3, and section 12, provides that the printing of the several State departments "shall be subject to the order of the respective officers."

How stands this case? The Legislature passes a law in conformity with the requirements of the constitution in which they provide for letting all the State printing in one contract to the lowest bidder. They divide the work into three classes, stating what shall be included in each class, and appoint the Governor, the Secretary of State and the Treasurer, commissioners to let the work and enter into contract. The commissioners advertise for proposals, stating that under the third class will be entered all printing for the State departments. (See Senate Journal, 1859, p. 166.) The specifications and blanks furnished bidders may have been defective. But that is not material — The bidder, following the terms in the advertised notice and the law, puts in his proposals and accompanies the same with *specimens*, and for the greater certainty writes upon each separate *specimen* by what name he designates it, for what he offers it, under what class, what subdivision of that class, and what particular item under such subdivision. When all this has been done and the commissioners inspect all the bids offered, and as the law directs, examine also the specimens put in as a part of such bid, see what the bidder offers the specimens for, they determine that the bid of Ross, judged by the criterion they have adopted. is the lowest, and then enter into a contract with him to do all the printing for the State (for which he gives ample security,) in which it is agreed that the *specimens* on file and referred to in the bids is a part of the subject matter of the contact, * * shall remain as a standard criterion for all work done under the contract according to the full intent

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and meaning of sec. 5, of chap. 114; and after guarding thoroughly on the part of the State, against any extra charges, the contract provides that "in all cases the prices and compensations above *specified*, and set forth in said bid, shall be strictly construed, and that said Ross shall be held in all cases to a strict performance of the contract, and in all things subject to the provisions of chap. 114. One of the first requisites of a contract is, that it be binding upon both parties. If Ross be bound to a strict performance of this contract, then is the State equally bound. In another part of the contract, it is provided that the prices and compensation provided for, shall be construed and understood according to the plain and literal signification of the language used, (see specifications, Senate Journal, p. 162). Now apply the rules of construction laid down in the contract itself. It is to be observed that neither in the law (sec. 4,) or in the specifications (Senate Journal, 1859, p. 163–6,) or in the advertisement by the commissioners (Journal, p. 166–7,) or in the contract (Senate Journal, p. 160–1,) is there any attempt to enumerate or describe particularly the various kinds and items of printing that may be required under the *third class*. In each instance in the law, the specifications, the advertisement, the contract, it is described in general terms, or refers, as in the contract, to the law and the specifications, when such general description is found; yet it must be apparent to every one that the bidder must in some way, inform the commissioners at what price he would do the printing of the State departments. He does it in the plainest possible way. He puts in a specimen, writes upon it the price for which he will do that kind of printing. He puts in a pamphlet containing the banking law, and another the school code; and by writing upon them, informs the commissioners that such pamphlets are put in as *specimens* under the third class, under the heads of blanks, and the subdivision of medium blanks, and in his bid says he will print medium blanks in the third class for $3 per quire, and the State contracts with him to do the printing on such bid and specimens. I cannot find that this kind of work, usually designated as pamphlets, is anywhere described or referred to in the third class, except in the *specimens*; and I can see no other way in which the price of such work could possibly be fixed and determined. The specimens are just as much a part of the contract as the bid, and specifications, and the law. If you take away the specimens it would destroy the contract. It could not be executed. It detracts nothing from the force of this reasoning, or the soundness of this conclusion, to say that it is a very improper use of language to call ordinary printed pamphlets medium blanks—

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it is generaly admitted that a rose by any other name would smell as sweet. Illustrations might be multiplied to show that specific description must always control general words, or, that if a sample or specimen of the thing contracted for, be referred to, such sample specimen must control; no matter whether the name, given to such sample or specimen be the name by which it is usually known or not. If a merchant contract with a manufacturer for a particular kind of goods, and a specimen be deposited and referred to, can the merchant refuse to take the goods which have been so manufactured, because the name which the contracting parties chose to put on the specimen is not the name by which the goods are known in the market? Disputes often arise between importers and custom house officers as to particular descriptions of goods, as to what particular class and description such goods properly come under in the laws imposing duties. Now, if the law that only attempts general descriptions had in defining the class of goods that should be subject to 10 per cent. duties had referred to a specimen kept in the custom house, who would doubt that this would govern, although a more proper description of such goods in words might be found in the class subject to a higher or lower duty? Without protracting further the discussions of this point, I will say in conclusion that I have no doubt that the specimen must be taken in construing the contract for just what this purports to be, and according to the labels or endorsments upon them. All printing required and ordered by the several State departments must be reckoned in the Third Class, audited and paid for according to the specimens and price named in the contract.

Another point in your communication relates to the kinds and quality of paper bid for by Ross in the First Class. You say: "We contend that the price must be determined by the quality of the paper—the use it is put to as shown by the specimens and items in the bid, as such items stand respectively to the objects for which the paper is to be used." I think you are correct in this position. This seems to me to follow as a corollary, or necessary sequence from the conclusions to which I have before arrived in the argument as to the effect that ought to be given to the specimens.

The law (sec. 4,) provides that specifications shall be made out with a view of soliciting bids, as follows:

First Class—Third subdivsion. The price of paper per quire (18x24 inches) for use in book work.

And also the price for bill paper and such extra incidental jobs as may be required.

Specifications were made out and published with a view of

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soliciting bids. It will be noticed that the size and weight of the paper for use in book work is fixed by the law; (18x24) 18 lbs to the ream. The weight of other paper is not specified in the law and the commissioners are left to their own discretion as to what they desire to receive bids for bill paper and such other incidental jobs as might be required. The specifications therefore very properly name the size of the paper not specified in the law. They invite bids for bill paper and incidental jobs, cap size. This would prevent misunderstanding and secure uniformity in the bids, each bidder would make his bid for paper of a fixed size. Of course the size of the paper must have been taken into account by the bidder in fixing the price. The size being fixed in the specifications left only one thing to be considered by the commissioners in determining which bid was the lowest, to-wit: the quality of the paper offered. Under the specifications the bidder was at liberty to offer one kind and quality of paper, both for bills and such other incidental jobs as he might propose to furnish paper for printing bills, and print paper for the extra incidental jobs. Ross in his bid chose the latter course, and offered both at the same price—73 cents per quire.

I think there can be no doubt that the commissioners intended to receive proposals in this way, because in the blank forms printed and furnished for the use of bidders they put down bill work and extra incidental jobs in the same line—(Senate Journal 1859, p. 168,) and in their computations on the bids upon the basis fixed by them, compute the amount required for bill and incidental jobs in one and the same item— (see Journal, p 1145.) I find on examination of the specimens offered by Ross, that he offered for bill paper, a different quality (see specimen N.: fools cap) from that which he offered for extra incidental jobs. For the first he offered a heavier and more expensive paper and finished in a different way from the paper offered for incidental jobs—each suitable I presume for the purpose intended—both offered at the same price and under the same item. I think there can be no doubt that Ross is bound to furnish for each kind of work the particular description and kind of paper indicated by the specimens. Admit that the cost of the two kinds of paper is not the same—that one is more expensive than the other. Then the profit of the contractor will be effected, as more or less of one or the other kind of paper is used. If it happens that a large proportion of the cheaper kind is required than he calculated, his profits will be thereby proportionably increased—and on the other hand, if it should happen that a large proportion of the more expensive kind of paper should be re-quired than was anticipated, his profits will be thereby

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diminished, as he must run this risk of loss, so he must be entitledto the same chance of gain.

In my opinion, Ross has the right to furnish for all extra incidental jobs the quality and description of paper indicated in specimens on file in the office of the Secretary of State, and number in certificate shown me 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, and to be paid at the rate of seventy-three cents per quire, estimating the size of the paper as indicated in the specifications upon which his bid was made. The State has no right to require the printer to furnish book paper for incidental jobs, and the printer has no right to put the inferior paper offered for the incidental jobs into book work. If a question were to arise whether a peculiar piece of printing properly came under the denomination of book work, or that of extra incidental jobs, this of course would be a matter to determine in a great measure on the facts, and would be a proper matter for testimony. The meaning of the word book is not the same in all connections. It sometimes indicates an entire volume and sometimes is used to indicate the division of the subject treated of by an author.

Where a printer or book-binder is contracting for book work, binding, folding, stitching, etc., such words must be taken and held to mean what they indicate when used in connection with business by persons skilled in such trades, business and persuits. I do not know as any dispute or disagreement has or will arise on this point, and allude to it as expressing my opinion of the rule that should govern in such cases. Printers and boook binders would be the proper witnesses on such subjects. It does not follow that all printed matter that is folded and stitched constitutes a book, or that the labor bestowed on it is book work; or the paper used is book paper. It is for book binders to say what is understood by book work, and manufacturers of paper and those accustomed to deal in that article, to say what is understood by the term book paper. It is to be presumed that the parties contracted with reference to the ordinary meaning of words. The technical terms and words relating to the business of any craft, trade or business, are as before stated, excepted from such rule—and any special or even unusual meaning attached to words by the contracting parties —indicated by specimens with a written label as in this case, must govern.

In the third place, you enquire whether the public printer is entitled to charge and receive legal rates for all advertising done for the State, and particulary whether he has a right to charge at least one folio for each tract in the list of forfeited school lands, &c.

As to the first, I think there can be no doubt he has such

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right. Section 19, of chapter 114, under which the contract was made, declares that for such advertising the fees shall be the same as may be prescribed for publishing legal advertisements and notices. Whether the printer has a right to charge seprrately for each tract of land advertised, so as to be entitled to one folio or more for each tract, is a matter of some doubt. I incline to the opinion, that he may so charge. I am led to this conclusion by the following reasons—Each tract is, or may be the property of separate owners, and is so treated and regarded by the State. If the land of A, is advertised to be sold for non-payment of taxes or interest, such land is chargeable with the costs of advertising, and if A comes before the day of sale to pay what is due the State, the State, it seems to me, may properly charge him, as the cost of advertising at the legal rates for one folio, although the words and figures used in the description may have been but part of a folio, and it would be no answer to this to say it was advertised in connection with the land of B, and that the description of both tracts were less than two folios; for, although several tracts be published in the same paper, or in the same list, yet the proceeding is against each tract severally, and if the land be sold in pursuance of the notice in all legal proceedings in which the title to such tracts of land shall come in question under such sale, the notice must be examined and treated as a separate and distinct notice for that tract, and it matters not how many other tracts of land may have been advertised in the same notice. Might not the State order the printer to publish a separate and distinct notice for each tract? I think they might. If the printer can economize so as to save something in space and labor, by advertising several tracts under one general heading and notice, it seems to me that he is as much entitled to the benefit arising from such economy on his part, as a manufacturer would be who could manufacture at less cost to himself a given article, for the reason that he had orders for a great number from different persons. So these several tracts of land do not belong to the State but to seperate individual owners. The notice which preceeds the descriptions of the land applies and is repeated with each separate tract, and I therefore conclude that the printer ought to charge and be allowd for each tract separately—counting to each notice as well as the words and figures used in the description. If the land be sold and the title contested, must it not be proved that this notice was published with the description? It is not enough that the mere description of the land be published, but the proper notice, stating facts, must also be published.

You further enquire whether, in my opinion, the printer has

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not a right to count every 24 blanks as a quire? In referring to the contract, I find the following provisions incorporated in it:

"And it is further agreed, that in estimating the several items of blanks in the third class, no more paper shall be charged, or paid for, than is actually necessary for the proper printing of such blanks, and that in no case shall 24 blanks be counted as a quire of blanks, unless 24 sheets of one of the kinds of paper mentioned in said bill, in said third class, be necessarily used in executing the work."

If this provision had been incorporated in the contract with the free and willing consent of Ross, it would, it seems to me, settle this question. But it was not. Before signing the contract he protested against this clause, and submitted his reasons to the Comissioners, showing very clearly, that he did claim, that by terms of his bid, which had been accepted, and which was the contract in fact, that he was legally entitled to reckon as a quire every 24 blanks without regard to size, that he signed the contract declaring such claim, and his intention to assert and maintain it at the proper time before the proper tribunal—the legislature of the State, the principal in the contract. If the parties to a contract voluntarily fix a rule of construction, they must abide by it. But this is not such a case. The fact of inserting such a provison into the contract, leads to the conclusion that the commissioners were unwilling to leave the rights of the contractor, Ross, to the fair and legal construction to be put upon his bid, according to its terms, but sought to force upon him terms, and exact from him conditions which the law did not impose or exact, before they would consummate with him the contract which, under the law he was justly entitled to. If in a case of doubt, or to save question or despute, parties chose to agree in advance what constrution shall be given to certain language used in their contract, that is the end of controversy on that subject. But if one party makes a proposition which is excepted and complied with by the other, so that he has a right to enforce it, the party making the proposal has no right to impose any other or different terms than those contained in the offer and exceptance. The commissioners had no right to insert in the contract a rule of construction and insist upon it against the bidder. He had a right to insist and he did insist, that the whole matter should be left to such construction as the law would give it. If the law would give him pay for a quire of blanks for every 24 blanks he should print without regard to size, he insisted upon it. If the law construed his bid to mean that only 24 entire sheets of paper should be reckoned a quire he was content with that. Test this by

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another rule. It is said to be a bad rule that will not work both ways.—Suppose Ross had insisted that instead of the clause in the contract above referred to, a clause should have been put in declaring the construction to be that he should be entitled to charge as a quire for every 24 blanks without regard to size? Would the commissioners have been bound to submit to this. Clearly not. The position taken by the Judiciary committee of the Senate on this subject in their report made to the Senate, 8th March, 1859, is, I think correct. That report does not I believe in terms express an opinion as to whether the printer would in the absence of the clause in the contract above referred to be entitled to charge every 24 blanks as a quire. But the reasoning, all proceeds, as I understood it, upon that assumption—as a matter conceded—and so the commissioners seem to have regarded it when they insisted upon this rule of construction. If the law so construed the contract, the provision would not have been needed. If such was not the fair legal construction of the bid they had no right to insist on such construction, and it should not bind.

I am unable to form a definite and satistactory opinion on the subject of the way in which the blanks ought to be reckoned, as it seems to me to depend partly upon the way in which blanks were allowed, and partly upon the custom and understanding among printers, stationers, and those dealing in blanks, as to what constitutes a quire. I have been accustomed to purchase blanks, so far as my own buisness has required them, by counting twenty-four for a quire, without regard to size; and in making inquiry about the price per quire of blanks, have always heard them reckoned in that way.

C. ABBOTT.

Madison, March 1, 1860.

Report of the Joint Committee on Printing.

The joint committee on Printing, to whom the subject matter of public printing was referred, respectfully submit the following report:

That a great share of the time of your committee for some five weeks, has been devoted to a thorough examination of this subject. They have heard arguments by two of the commissioners by the contractor and his counsel, both orally and in writing have received depositions as to facts-- examined the law, the the specifi cations, the contract, the bid, and the specimens for themselves, and the conclusion of the whole matter is, that the

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only questions involved in the dispute are of *law*, and not of *fact*, or any point requiring the skill of a printer to determine.

The first question to be settled is, are the specimens an important part of the contract? By Sec. 5, of the printing act, a majority of your committee are of the opinion that the specimens are an essential portion of the contract, in as much as the law declares they are to be the "standard criterion for doing all work, and the guide for auditing all accounts under the contract."

The point in issue in the first class is: under which item of paper in said class, are the reports, and paper for incidental work to be audited and paid for. There are *two*, and *only two*, items of paper mentioned in that class. The first is for book paper, clearly defined by the law and specifications, in size, weight, and quality. The second is for "bill paper, cap size, and such other incidental jobs as may be required." It is admitted and proven by sundry affidavits, as well as by the quality of the paper in the specimens themselves, that the paper in said specimens is not book paper. The contractor contends that the State could not require of him to use book paper for such work as is indicated by the specimens in the first class, and your committee are not aware that it has been contended he could be compelled to furnish that quality of paper under his bid. And the question then arises, can the State insist on the right to pay for the paper used, of a quality like the specimens, under the price bid opposite the item of book paper? The majority of your committee are clearly of the opinion that such a construction would be unjust and would not stand the test of judicial scrutiny.

The next question is, what size of paper is required, other than for bill paper in the second item of paper, in the first class? There is a size mentioned in that connection, and only one size, and that is cap size, or a size capable of admitting eight pages of matter. As the law and specifications undertake to fix a size, it is fair to presume, aside from the grammatical construction of the sentence, that the size was intended to be fixed for all the paper to be furnished under that item, and that is either cap size, or no size is fixed, and the contractor is as much at liberty to insist on a smaller size, as the State is on a larger size. The majority of your committee, then, are of the opinion, that the size of paper in the second item in the first class, is fixed at cap size by the terms of the contract, and this disposes of all the controverted points in that class—as no controversy has arisen as to what work belongs to that class; both parties also agree that the specimens, all through, are standards of the *quality* of the work and materials.

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As the contractor claims nothing for all the work done in the second class, no controversy has arisen in reference to any construction in that class, and your committee have nothing to offer except on controverted points.

The next question presented, is whether the *blanks* in the 3d class, are to be counted strictly as "blanks per quire," or whether the paper and size of paper, on which they are printed is to be the standard of count. This is purely a question of law, and is to be determined by the phraseology of the law and contract. A plausible reason might be presented on *both* sides; and many ingenious arguments have been presented. It is a nice question, and perhaps could only be settled by actual adjudication—a majority of your committee are of the opinion the claim set up by the contractor is not without foundation, but they refrain from giving an unqualified opinion, for the reason they do not wish to settle points where reasonable doubts are involved. They are informed, however, by the contractor, that the bills have been mostly audited as contended for by the commissioners, but that the whole difference for the year 1859, amounts to only about $1,000.

As regards the charge for advertising, the subject has not been alluded to by other than the contractor and his counsel, in any discussion before us. A majority of your committee consider the matter settled, so far as the amount audited goes, by the late decision of the Supreme Court—the contractor claims, by the legal interpretation of his contract, and by sections 57, 58 and 63, of chapter 133, Revised Statutes, that he is entitled to charge a full folio for each description of land advertised; but this would depend upon the fact whether a court would determine each tract of land advertised, a separate advertisement. If such should be the determined fact and law, then under section 19, of the printing law, the contractor would be entitled to charge full legal rates for each folio, and count each tract as a folio. This would give the contractor over $36,000 more than he would realize, on this item alone, under his proposition. As this is a point involving nice distinctions of law, your committee do not feel justified in even giving an opinion, but will state that the facts and the law on this point go far in determining their action in the recommendation herewith submitted.

The only remaining point of difference that has come to the notice of your committee, is in reference to the claim of the contractor to charge for pamphlet work in the third class, at the price bid for medium blanks in the third class. The only legal argument presented against this claim is that such work was not embraced in the bid. A majority of your committee

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entertain no doubt that such work is embraced in the
and without going into a legal disquisition on the su
refer to the written opinion of Mr. Abbott, and claim for it such weight as it may deserve.

In conclusion, your committee would state that, as there is a difference of some $125,000, for the work of 1859, between the construction put upon the contract by the assignee and his counsel, and the proposition submitted by him to the Senate the——inst., and in view of all the facts, the law, and the contract, as it appears to your committee, from the patient investigation they have given to the subject; without attempting to judicially determine the points in controversy, (which they could not if they would,) a majority of your committee feel as though they could not properly discharge their duty without presenting some plan of settlement of this ever vexed question.

Your committee can see no just ground to censure, either the commissioners or the contractor—that no blame is justly chargeable to either, but they verily believe that the source of all these irritating printing controversies, is the *system* itself, under which the contract was let, and which is no doubt wrong, and the cause of all the mischief. Your committee are of the opinion that the law under which the printing contract was let, ought to be so amended as to establish maximum prices for executing the public printing and furnishing materials for the same, and award the contract to the bidder who offers to deduct the greatest discount *pro rata* from such established list of prices. Without going further into the details of the matters above alluded to, the majority of your committee refer the Senate and Assembly to the facts and arguments herewith submitted, and recommend the passage of the bill.

No. 251, S., a bill for an act to define and adjust certain portions of the contract for public printing, introduced by the committee on printing on the 7th inst.

R. H. HOTCHKISS,
GEO. B. GOODWIN,
JAS. W. SEATON.

As regards the insinuations of the committee, of collusion with the State officers, your protestant considers it undignified and unjust, for the reason that no specific charges are made, and no possibility offered to reply to any. In all the laboured e6ort and secret sittings of the said committee, and notwithstanding their utter refusal to permit your protestant to offer any fact or explanation, he cannot find that they even charge him, directly or indirectly, with any wrong, and not a hint or

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particle of proof is offered to show that he had made out bills for more work than he has done; and hence, so far as he is concerned, he really has nothing to answer; but, so far as regards figures and statements without proof or shadow of testimony offered by the committee, to impeach honorable public officers, your protestant feels it due to truth and candor, to most earnestly and respectfully protest. All of which is most respectfully submitted.

S. D. CARPENTER.

Madison, March 29, 1860.

COMMUNICATION FROM H. A. TENNEY.

MADISON, March 29, 1860.

To the Honorable the Senate of Wisconsin:

GENTLEMEN: My attention has been called to what purports to be a report of the joint committee for Investigation, or so much thereof as relates to the bill audited last season for printing the Governor's message and accompanying documents in one volume, which bill was countersigned by me as Comptroller.

The statements of the committee, so far as they relate to the acts of the auditing officers in this matter, are pure fiction, untrue in every respect, and could not, I think, have been *mistakenly* false, as I have on several occasions stated to members of your body, and to at least one member of the committee, the facts in the case.

These were, that a bill for this work was presented at the Secretary's office for auditing—that like all bills for printing, it was brought to me, as Comptroller, for examination prior to being passed upon—that after a careful examination of the laws, I decided that it was a job clearly and beyond question, coming under the first class of printing, under the contract, and so chargeable—and that these conclusions were arrived at both by myself and the Secretary of State. To obviate any question, however, the subject was referred to three competent attorneys

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at law, to wit: Judge Hood, J. C. Hopkins and H. D. B. Cutler, for their legal opinion, under the *discretion* vested in the Secretary and Comptroller by joint resolution of the last Legislature. Their decision was, that the bill was clearly legal; but that part of the work was chargeable under the third class. This latter part of their decision was overruled by me. While the claim was pending, the Attorney General was absent, but reached Madison before the bill was finally audited. The papers in the case were sent to him, and a legal opinion solicited. His conclusions, in effect, set aside the plainest statute law, if followed, and would have placed the contractor and his rights at the arbitrary disposal of public officers. Believing that the "opinion" of the Attorney General, on the point presented, was utterly untenable, and that to have followed it, would have been to have violated my oath of office; and having the opinions of three lawyers in direct opposition, it was overruled, and the conclusions of my own mind from the law, and near twenty years experience as a printer, acted on. This "opinion" of the Attorney General, upon which some stress is laid, was regarded as good as that of any other lawyer who knew as much; but in a matter involving technical and critical knowledge, not within the reach of any one, without long experience—certainly no better.

This bill never was, as stated by the committee, "rejected," and then audited; nor did I ever entertain, at any time, but one opinion as to the law, although urged in a certain quarter, not to allow it, because the contractor had had large sums paid for work, and it would "hurt the party," and other whimsical objections, none going to the legal rights of the contractor.

It was countersigned, because I believed then, as now, the charge to be plainly legal—and I did not feel called upon to strain the Statutes from their plain meaning, because thereby the State would take the contractor's work for nothing, instead of paying for it.

With the fact that this bill was audited in three separate items I have nothing to do—in fact objected to the manner—although no possible damage could thereby accrue to the State. It is not uncommon for parties having a balance due them from the State, to draw orders against it, in different sums, to suit their convenience, and these three bills were so drawn by the contractor, as I was informed at the time, instead of drawing the whole sum at once, as he might have done.

The intimation "of collusion" in the report, so far at least as I am concerned, is untrue; nor can I understand how any men, knowing me as long as the members of this committee have, could have the mean audacity to intimate "collusion"

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to benefit Beriah Brown—a character with whom I have not been on speaking terms for near fourteen years. The committee were not ignorant of my relations in that quarter, and hence the charge looks cowardly and malicious.

Were not your session so nearly closed, I should feel bound to request an investigation of the charges made, by honest and unprejudiced men—to submit the points of law involved in the case, to your Judiciary committee, to whose decision I would most cheerfully abide. I say with entire confidence, I fear no honest investigation of every official act, and, indeed, court such investigation fully and without reserve. Conscious of the rectitude of my intentions, and of the care I took on all points involving questions of law to be correctly and *honestly* informed; and having been here on the ground, at any time within reach, no persons under the shield of authority and irresponsibility, holding their sessions in the dark, will be allowed, unanswered, to assail me, when they failed to give me any chance of a hearing before them.

The statements of this committee, so far as they reflect on me, are not true in any particular, and if they did not know it, it was because they took no pains to learn; and having made this denial, hastily prepared, I ask that it may go on record as a matter of the plainest justice.

Very truly yours,

H. A. TENNEY, *late Compt.*

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A. 585	.....	23	854 870 905 909 911 914 978 981
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S. 336	20	23	700 728 809 831 833
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A. 424	.....	25	655 658 663 810 830 835 874
S. 98	.....	25	163 496 522 673 692 706 913 969 972 974 988
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S. 200	.....	61	357 422 555 567 582 588 751 757 779 795
S. 191	.....	66	348 471 581 591
S. 235	.....	71	448 603 605 624 648 707 728 739
A. 70	.....	73	158 168 298 407 412 418 420 450
S. 59	.....	79	104 186 335 336 370 376 657 693 705 730 794
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A. 54	31	119	81 93 114 143 144 153 167 175
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A. 21	217	120	73 79 134 179 193
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A. 288	25	121	310 333 358 444 445
A. 121	4	124	216 218 526 774 783 792 854 947 962
A. 374	.....	127	545 560 616 773 783 792 842 865
S. 61	27	132	112 134 159 160 168 217 233 237 261 275 276
A. 278	28	132	373 375 470 602 604 622 631
A. 459	37	132	656 658 732 856 858 877 958 964
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S. 170	33	133	292 387 513
A. 62	38	133	107 114 159 160 168 180 185
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A. 102	75	133	157 167 397 546 555
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A. 7	.....	134	655 658 732 857 858 877 958 964
S. 315	.....	134	630 799 800 908 911 914
S. 290	.....	134	577 798 799
S. 152	.....	134	259 357 444 445
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A. 426	21	134	655 658 732 857 858 877 988 964
A. 488	38	134	652 658 733 857 859
A. 34	.....	136	80 93 752 885 886 898 970 975
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A. 277	.....	139	587 599 616 760 762 782 874
S. 160	19	139	283 387 513
S. 27	26	139	68 133 361 376 305 388 475 500 509 539
S. 232	2	140	431 470 581 583 589 654 694 705 730 743
A. 384	53	140	588 599 616 773 783 792 842 865
S. 66	1	145	113 397 555 566
S. 199	.....	151	367 470 582 583 586 589 851
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S. 304	.....	157	611 732 780 849 850 853 913 969 971 974
S. 366	.....	158	802 856 858
A. 377	36	165	607 620 945 951 952 978 981
S. 107	1	166	184 203 335 336 344 405 421 436 440 572
S. 140	.....	167	241 526 773 783 790
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A. 255	5	181	397 398 472
A. 104	9	183	181 186 204 335 336
A. 652	15	183	958 959 978 980
A. 493	.....	184	876 906 909 911 914 969 984
A. 330	11	188	913 914 946 955 969 984 985
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A. 205	.....	274	1850	194 251 260 278 287
A 359	9	2	1852	563 565 587 798 799
A. 78	.....	270	1853	607 620 630 691 856 858 876 958 965
A. 200	.....	59	1855	301 302 356 443 445 465 482 484 737
A. 616	1	107	1855	949 951 952 979 982
A. 82	1	266	1855	165 178 186 335 336 346 390 406 415
S. 178	.....	299	1855	306 356 408 412 422 465 466 695 712 729 730 743
A. 77	.....	330	1855	607 620 630 691 856 858 876 958 964
A. 187	15	10	1856	253 263 286 360 378 389 417 440
S. 41	.....	71	1856	78 136 159 160 168 217 233 237 241 300
S. 169	.....	182	1856	292 408 412 417 510 549 564 570 645
A. 598	.....	268	1856	710 736 751 759 805 840
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A. 282	.....	409	1856	310 333 404 575 576
A. 79	.....	508	1856	607 620 630 691 857 858 876 958 965
S. 299	12	3	1857	595 704 735 744 758 759 955 969 972 974 988
S. 220	.....	47	1857	402 479 602 604 621 654 693 703 711 729 794
A. 546	2, 18	47	1857	901 902 909 911 914 978 980
A. 318	.....	88	1857	416 432 549 774 783 792 836 947 962
A. 298	.....	97	1857	594 752 811 848 886 890
A. 436	.....	131	1857	474 475 532 539
S. 318	4	133	1857	634
A. 423	6	143	1857	949 951 952 978 981
S. 101	.....	269	1857	174 226 291 310 318 350 374 386 438
S. 319	.....	275	1857	635 975 886 898
A. 381	.....	277	1857	588 599 752 856 889 898 970 975
S. 254	.....	33	1857	(see Towns.)
S. 225	.....	345	1857	421 479 603 604 621 654 694 705 730 742
A. 43	.....	11	1858	73 79 84 109 110 120 135 143 152
S. 148	1	51	1858	259 286 360 377 385 388 474 500 509 539 572
S. 133	.....	64	1858	231 471 581 590
S. 213	.....	67	1858	394 857 860
A. 610	.....	80	1858	958 959 979 982
A. 622	1, 3	83	1858	956 957 980 982
S. 362	.....	87	1858	786 886 890
A. 85	.....	91	1858	181 186 371 482 485 503 600
S. 218	.....	104	1858	402 438 439 549 683 684 711 736 751 757 779 795
A. 592	2	119	1858	696 704 745 747 785 803
A. 128	.....	124	1858	563 565 571 714 716 756 768
S. 28	.....	134	1858	63 84 110
S. 159	.....	148	1858	274 571 774 782
S. 14	.....	155	1858	41 65 56 67 120 133 139 177 280 290 307 333 435 442 469 481 572
A. 537	.....	226	1858	653 658 662 682 738 769
S. 163	.....	252	1858	284 308 358 369 375 386 438
A. 20	.....	3	1859	130 136 156 280 290 303 318 358 369
S. 262	.....	20	1859	516 868 885 886 891
S. 9	.....	22	1859	36 65 66 67 71 75 81 121 135 138 507 518 531 687 708
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S. 236	.....	22	1859	448 498 510
A. 509	.....	22	1859	656 658 816 886 890 898 970 975
S. 193	.....	30	1859	348 395 657 703 711 794
A. 61	.....	40	1859	85 99 526 673 674 685 787 768
A. 101	.....	46	1859	157 168 286 378 389 416 440
S. 37	10	52	1859	70 84 109 110 127 139 209 233 237 241 300
S. 105	.....	52	1859	183 294 335 236 444 445 449 463 586 600 615 646
A. 153	2, 3	67	1859	165 178 297 407 412 418 450
A. 214	1, 2	89	1859	390 399 471 603 605 622 655 695 702
A. 609	.....	90	1859	710 735 884 908 911 914 979 982
S. 305	13	94	1859	611 798 800 808
A. 192	.....	95	1859	301 302 357 443 445 465 498
A. 289	.....	97	1859	310 332 561 697 804 839
S. 142	1	104	1859	241 262 360 377 388 563 634 694 705 730 742
A. 174	1	113	1859	397 398 472 581 591 596 600 604 668 684 711 736 749 757 785 803
S. 25	.....	114	1859	(see Crawford county.)
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A. 261	.....	127	1859	309 331 396 513 514 530 543 573 586
S. 46	1	129	1859	79 115 408 412
A. 179	.....	132	1859	217 218 298 407 412 418 450
S. 143	2	142	1859	241
A. 328	.....	151	1859	509 530 541 774 783 792 836 849 870 872
A. 252	.....	151	1859	871 872
A. 487	.....	164	1859	956 957
A. 173	.....	164	1859	158 168 175 279 290 302 343 350
S. 11	.....	167	1859	36 47 94 100 127 129 138 155 187 219 220 484 785 816 836 849 852 870 873 881 900 955 973 988
S. 54	.....	167	1859	97 397 546 566
S. 271	.....	167	1859	547 585 598 800 808 822
A. 65	.....	168	1859	180 186 356 443 445 465 482 484
A. 180	1	178	1859	301 302 642 674 737 768
A. 492	.....	181	1859	653 658 733 856 858 876
A. 27	.....	185	1859	47 61 65 80 81
S. 332	.....	190	1859	687 798 800 815 822
A. 48	.....	190	1859	821 822 865 909 911
S. 35	.....	191	1859	70 115 144 156 157 209 225 227 232 300
S. 321	2	193	1859	430 473 498 504 505 511 537 657 694 705 730 742
S. 246½	2	197	1859	483 537 540 773 783 790 791
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S. 75	.....	205	1859	131 152 254 265 274 277 342 369 375 386 438
S. 115	.....	210	1859	202 361 400 404 575 576 581 583 591 640 647 684
A. 241	.....	210	1859	309 333 679 681 737 767
A. 44	.....	210	1859	373 375 404 555 565 573
S. 300	3	210	1859	595 773 783 791
S. 92	.....	216	1859	155 164 280 290
S. 364	.....	218	1859	787 856 858
A. 611	.....	218	1859	948 949 951
A. 158	.....	222	1859	181 186 204 335 336 343 374 385
A. 358	.....	46	1860	390 398 472 603 605 622 655 695 702
A. 604	.....	92	1860	696 704 772 805 840

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ERRATA.

Page 43, line 3, before account, insert No. 3, S.
45, line 5, before account, insert No. 4, S.
47, line 14, for 4, read 1.
59, line 6, before account, insert No. 5, S.
68, between lines 23 and 24, insert resolution No. 20, S.
68, strike out all after Res. No. 21, S, and insert instead thereof the following: "*Resolved*, That the Superintendent of Public Property be instructed to furnish the Postmaster of the Senate with stationery."
69, line 2, for 18, read 16.
71, line 3, for 3, read 4.
77, line 19, for 9, read 8.
93, line 16, for 13, read 18.
97, line 30, for 24, read 21.
103, line 42, for 51, read 56.
104, line 10, before "a bill," insert "No. 9, S."
109, line 36, for 96, read 97.
111, line 16, for 23, read 26.
114, line 4, between "38" and "of," insert "of chap. 6."
115, line 13, for 41, read 45.
116, line 40, for F, read E.
131, line 11, for 12, read 11.
134, line 14, for 159, read 157.
150, line 3, for 33, read 32.
155, line 16, for 34, read 33.
158, line 38, for 33, read 133.
158, line 40, for 14. read 15.
163, line 3, for 35, read 34.
175, line 3, for 37, read 35.
206, line 32, for 214, read 114.
211, line 18 and 19, strike out all after No. 148, A., and insert instead thereof, "a bill for an act to appropriate to Donaldson & Treadway the sum of $172 50."
214, line 34, for 12. read 122
215, line 30, for 216, A., read 116, S.
218, line 38, for 97, read 79.
232, line 33, for 110, S., read 100, A.
236, line 21, for 110, S., read 100, A.
261, line 16, for 4, read 3.
279, line 20, for Oconto, read Oakwood.
299, line 29, for 1. read 72.
302, line 17, for 138, read 49.
318, line 7, for 51, read 50.
318, line 46, for 119, A., read 119, S.
337, line 17, for 93, read 91.
339, line 21, for 86, read 127.
343, line 4, for 7, S., read 7, A.
346, line 14, for 121, read 126.
350, line 22, for 184, read 154.
356, line 17, for 178, A., read 178, S.
361, line 9, for 7, read 27.
371, line 45, for 36, read 56.
377, line 32. for 25, read 251.
390, line 28, for 258, read 358.
397, line 14, for 145, read 165, and for "amendments," read "indictments."
401, line 29, for Section, read Chapter.
404, line 4, for Revised Statutes, read Resolutions.

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Page 411, line 7, for 368, read 386.
422, line 39, for 200, A., read 200, S.
437, line 27, for 48, read 68.
440, line 17, for 89, read 189.
440, line 26, for 40, read 402.
465, line 33, for 17, read 178.
476, line 16, for 71, read 17.
478, line 16, for 323, read 223.
479, line 32, for 164, read 194.
479, line 35, for 249, read 294.
479, line 43, for "the indefinite postponement of," read "laying on the table."
487, line 7, for 134, read 138.
498, line 12, for 130, read 236.
498, line 38, for 234, read 243.
514, line 1, for 129, read 125.
556, line 9, for 56, S., read 56, A.
576, between lines 12 and 13, insert "The Chair voting in the negative."
576, line 22, for 888, read 288.
576, line 30, for 489, read 289.
585, line 11, for 77, read 76.
603, line 8, for 239, read 229.
627, line 52, for 5, read 4.
630, between lines 10 and 11, insert "315, S., a bill for an act to amend chapter 134, of Revised Statutes, 'of executions and proceedings supplementary thereto.'" "General file."
676, line 37, for 328, read 327.
743, line 12, for 72, read 172.
743, line 13, for 78, read 178.
747, line 23, for 142, read 143.
752, line 38, for 295, read 293.
759, line 17, for 324, S., read 224, A.
762, line 1, for 297, read 277.
790, line 2, for 256, read 251.
800, line 4, for 94, read 29.
808, line 26, for 274, read 271.
816, line 3, for 355, read 255.
836, line 31, for 388, read 328.
840, line 10, for 904, read 604.
859, line 22, for 398, read 359.
886, between the second and third lines insert all of page 888, after line 39: all of page 889: all of page 890 and to the 36th line of page 891. All of page 891 after the 35th line, and the first 20 lines of page 892 are a part of the Assembly Message which commences on page 887, and extends as far as the 40th line of page 888.
887, line 31, for 127, read 227.
889, line 1, for 566, read 556.
889, line 39, for 335, S., read 11, A.
891, line 13, for 394, read 395.
892, line 3, for 232, read 352.
900, line 39, for 211, read 212.
906, line 13, for 433, read 493.
908, line 19, for 470, read 407.
909, line 19, for 494, read 493.
910, add to line 19, "539, A."
914, line 23, for 359, read 539.
945, line 28, for 678, read 67.
966, line 20, for 42, read 362.
974, line 8, for 340, read 604.
988, line 6, for 5, read 11.

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